

WEBER-MORGAN HEALTH DEPARTMENT

Regulation for

**MOTOR VEHICLE
INSPECTION AND MAINTENANCE PROGRAM**

Adopted by the Weber-Morgan Board of Health

May 22, 2000

Amended May 12, 2003

Under Authority of Section 26A-1-121, 41-6-163.6 and 41-6-163.7
Utah Code Annotated, 1953, as amended

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1.0 TITLE AND DEFINITIONS

These standards shall be known as the Motor Vehicle Inspection and Maintenance Program Regulation, hereinafter referred to as "this Regulation."

For the purpose of this Regulation, the following words and phrases, when used herein, except as otherwise required by the context, have the following meanings.

1.1 "**Accreditation**" means Certification that the Analyzer and Analyzer manufacturer meet the operating criteria, specifications and requirements of Weber County and the Department;

1.2 "**Accuracy**" means the degree by which an instrument is able to determine the true concentration of pollutants of interest-Also means freedom from error especially as a result of care ;

1.3 "**Air Intake Systems**" means systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;

1.4 "**A.I.R. (Air Injection Reaction) System**" means a system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of hydrocarbons (HC) and carbon monoxide (CO) gases and to assist catalytic reaction;

1.5 "**Analyzer**" See definition for UTAH2000 Analyzer;

1.6 "**Audit**" means a procedure performed by Department personnel which includes but is not limited to, inspection of the I/M Program station, review of Station records, inspection of Analyzer and related I/M Program equipment, review of personnel working knowledge and records. The audit procedure is intended to ensure compliance with this Regulation and Department policies and procedures;

1.7 "**BAR 97**" Refers to California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, which became effective in 1997;

1.8 "**Basic Engine Systems**" means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to valve train mechanisms, cylinder head to block integrity, pistonring-cylinder sealing integrity and post-combustion emissions control device integrity meeting OEM Standards;

1.9 "**Bench**" means the main sample processing assembly of the exhaust gas Analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply;

- 1.10 **“Board of Health”** means the Weber-Morgan Board of Health;
- 1.11 **“Calibration”** means the process of establishing or verifying the accuracy of an exhaust gas Analyzer to perform an accurate and consistent evaluation of engine exhaust using calibration gases having precisely known concentrations;
- 1.12 **“Calibration [Span] Gases”** means gases of known concentration that are used as references for establishing or verifying the calibration curve of an exhaust gas Analyzer and which are traceable to the National Institute of Standards and Technology and are approved by the Department for use;
- 1.13 **“Carbon Monoxide”** A colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon monoxide may be referred to in these Regulations as CO;
- 1.14 **“Catalytic Converter”** A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;
- 1.15 **“Certificate of Compliance”** means a serially numbered document issued to the owner of a motor vehicle upon passing an inspection or reinspection and is evidence that the motor vehicle complies with the standards and criteria of this Regulation and other requirements as adopted by the Board of Health;
- 1.16 **“Certificate of Compliance Numbers”** means numbers issued to I/M Program Stations, and entered into the approved Analyzer for the purpose of issuing Certificates of Compliance;
- 1.17 **“Certificate of Waiver or Waiver”** means a document, issued by the Department used to verify that the vehicle for which it was issued has met the waiver requirements of this Regulation;
- 1.18 **“Certification”** means assurance by an authorized source, whether it be a laboratory, the manufacturer, the state, or the Department, that a specific product or statement is in fact true and meets all requirements;
- 1.19 **“Certified Emission Tester or Tester”** means an individual who has successfully completed all certification requirements and has been issued a current, valid Emission Tester Certificate of Qualification by the Department;
- 1.20 **“Certified Emissions Repair Technician or Technician”** means an individual who has successfully completed all certification requirements and has been issued a current, valid Emission Repair Technician Certificate of Qualification by the Department. A person certified by the Department who inspects vehicles, diagnoses emission related faults, and supervises or performs emissions related repairs and adjustments to bring vehicles into compliance with

the requirements of this Regulation;

1.21 “**CO**” see Carbon Monoxide;

1.22 “**Compliance**” means verification that certain data and hardware submitted by a manufacturer for accreditation consideration, meets all Department requirements; Also meeting the requirements of this Regulations;

1.23 “**County**” means Weber County, Utah;

1.24 “**Curb Idle**” means the manufacturer’s specified idle speed for the specific motor vehicle being tested (See also “**Idle Mode**”);

1.25 “**Cut-Points**” Same as Emission Standards;

1.26 “**Department**” means the Weber-Morgan Health Department, Division of Environmental Health;

1.27 “**Director**” means the Environmental Health Division Director of the Weber-Morgan Health Department or his authorized representative;

1.28 “**Domiciled**” means County in which primary residence is located;

1.29 “**E.G.R. System (Exhaust Gas Recirculation System)**” means an emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers;

1.30 “**Emissions**” means substances expelled into the atmosphere from a motor vehicle; particularly, air contaminants produced by combustion and/or incomplete combustion hydrocarbon evaporation from the fuel system and/or the crankcase, and particulate matter from the crankcase;

1.31 “**Emissions control systems**” means any device or combination of parts, originally installed by the manufacturer to control the emissions of a motor vehicle;

1.32 “**Emission Inspection or Inspection**” means a motor vehicle inspection performed for the purpose of determining whether the vehicle qualifies for issuance of a Certificate of Compliance or Certificate of Waiver, carried out in compliance with this Regulation;

1.33 “**Emission Repair or Repair**” means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emission inspection;

1.34 “**Emission Repair Technician Certificate of Qualification**” means a certificate issued by the Department authorizing an individual to conduct

emission inspections, repair failed vehicles and issue Certificates of Compliance while under the auspices of a I/M Program Station;

1.35 **“Emissions Standards (Cut-Points)”** means the maximum allowable concentration of regulated emissions for a given weight class and model year of a motor vehicle, as determined by the Board of Health using an approved Analyzer;

1.36 **“Emission Test”** means that portion of the Emission Inspection procedures where the engine exhaust gasses, from the tailpipe of the vehicle being inspected, are tested to determine whether a vehicle produces emissions in excess of the Emissions Standards and/or an OBD IM test procedure;

1.37 **“Emission Tester Certificate of Qualification”** means a certificate issued by the Department authorizing an individual to perform emission inspections and issue certificates of compliance while under the auspices of a I/M Program Station;

1.38 **“Engine Switching”** means an engine is removed from a vehicle and is replaced by an engine that is not identical to the original engine;

1.39 **“Engine Verification”** means a document issued by the Department for the use of Kit Cars and Replica Vehicles only, validating engine size and year, for the purpose of inspecting the vehicle for the year of the engine instead of the year of the vehicle;

1.40 **“EPA”** means the United States Environmental Protection Agency;

1.41 **“Evaporative control system”** means an emission control system that prevents the escape of fuel vapors from the fuel system and/or air cleaner and stores them to be burned in the combustion chamber;

1.42 **“Exhaust Gas Analyzer”** means an instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gases emanating from a motor vehicle when approved by the Department for use in accordance with this Regulation as an official test instrument;

1.43 **“Federal Installation”** means any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government;

1.44 **“Fleet Facility”** means a cooperation or other business entity permitted by the Department to perform the functions of the inspection program for a privately owned fleet of ten or more motor vehicles, including emissions related repairs, as well as the inspection;

1.45 **"Fuel Control Systems"** means the mechanical, electro mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.46 **"Gaseous Fuel"** means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.47 **"HC"** means hydrocarbons;

1.48 **"Hangup"** means hydrocarbons that cling to the surface of the sampling and Analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings;

1.49 **"Heavy Duty Vehicles"** means a vehicle 1978 and older with a weight of more than 6000 pounds or 1979 and newer with a weight of more than 8501 pounds GVW (gross vehicle weight);

1.50 **"Hydrocarbons"** means unburned fuel;

1.51 **"Idle Mode"** means a condition where the vehicle's engine is at proper operating temperature and running at the rate specified by the manufacturer's cub idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition achieved without placing a load on the vehicle to decrease its RPM to the specified rate(See also **Curb Idle**);

1.52 **"Ignition Systems"** the means parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.53 **"I/M Clearance"** means a stamp placed on the motor vehicle registration form by an employee of the Utah State Motor Vehicle Office or the Department indicating that the motor vehicle represented by the registration form is in compliance with the inspection program requirements in that the motorist has presented a valid Certificate of Compliance or Certificate of Waiver for the motor vehicle and paid applicable fees;

1.54 **"I/M Program"** means the Vehicle Emissions Inspection and Maintenance Program established by the County Board of Health and this Regulation;

1.55 **"I/M Program Test and Repair Station"** means a business permitted by the Department which engages in emissions testing and emissions related repairs to motor vehicles, and which meets the requirements of this Regulation for test and repair facilities;

1.56 **"I/M Program Test Only Station"** means a business permitted by the Department which engages only in emissions related inspections of motor vehicles, and which meets the requirements of this Regulation for test only facilities;

1.57 **"Inspection Area"** means the Department approved area that is occupied by the Analyzer, sample hose, and the vehicle being inspected;

1.58 **"Inspection Report"** means a document used to record information generated by the Tester/Technician during an emissions inspection other than a Certificate of Compliance;

1.59 **"Instrument"** means the complete UTAH2000 Analyzer system that samples and displays the concentration of emission gases and also performs OBD IM test procedures. The instrument includes the sample handling system, the exhaust gas Analyzer associated computer equipment and the enclosure cabinet;

1.60 **"Kit Car"** means a fully assembled custom motor vehicle containing all of the needed components for assembly (i.e. , body, chassis, engine, and transmission);

1.61 **"Light Duty Motor Vehicle"** means all passenger vehicles, 1978 and older; light duty trucks 6000 GVW rating or less; 1979 trucks and newer 8500 pounds GVW rating or less;

1.62 **"Lock-Out"** means when the UTAH2000 Analyzer automatically prohibits access to the testing portion of the UTAH2000 Analyzer;

1.63 **"Motor Vehicle or Vehicle"** means any equipment or mechanical device propelled primarily on land by an internal combustion powered engine which is driven on public roads and/or streets. Motor vehicles exempted from the inspection requirements of this Regulation as listed in Section 6.6 of this Regulation;

1.64 **"Motorcycle"** means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a farm tractor;

1.65 **"Non-Certified Tester/Technician"** means any person who has not been certified by the Department to perform official emissions inspections;

1.66 **"OBD"** means Vehicle On-Board Diagnostics;

1.67 **"OBDII"** means Updated On-Board Diagnostics Standard effective in 1996 and newer light duty car and light duty trucks sold in the United States;

1.68 **"OEM"** means Original Equipment Manufacturer;

1.69 **"Off-Highway Vehicles"** means a vehicle licensed to operate exclusively off public highways and roads;

1.70 "**Original Condition**" means the condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.71 "**PCV System (Positive Crankcase Ventilation System)**" means and emissions control system which returns crankcase vapors and blowby gases to the combustion chamber to be burned;

1.72 "**Permit**" means the document issued by the Department that authorizes a person to operate an I/M Program Station;

1.73 "**Person**" means an individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof;

1.74 "**Prompts**" means instructions and/or data fields, requiring data input to the Analyzer from a Tester/Technician performing an emission inspection;

1.75 "**Publicly-Owned Vehicles**" means a motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.76 "**Readiness**" means codes set by the OBD system that indicate a vehicle readiness to be OBD tested;

1.77 "**Registered or Registration**" means the process by which a motor vehicle receives a license so that it can be legally operated on public streets and highways;

1.78 "**Reinspection**" means any emission inspection performed on a motor vehicle after it has failed an emissions inspection and repair and/or adjustment has been attempted;

1.79 "**Repeatability**" means the instrument's capability to provide the same value, within specified tolerances, for successive measurements of the same sample;

1.80 "**Response Time**" means the period of time, in seconds, for an instrument to measure and display a pollutant concentration after a concentration of gases is introduced or removed from the sample probe;

1.81 "**Safety Inspection**" means an evaluation of a vehicle's relative safety as required by 41-6-158 U.C.A., 1953;

1.82 "**Smoker**" means a motor vehicle emitting visible emissions after the engine has reached normal operating temperature;

1.83 "**Stabilization**" means the process of bringing an instrument into equilibrium with the ambient environment and operative conditions;

1.84 "**Station**" means and I/M Program Station including all station personnel, employees, and owner(s);

1.85 "**Tampering**" means the intentional or accidental altering of or removal of emission control devices, and/or emissions-related equipment. Also, the use of fuels other than those required by the manufacturer's specification as found in the motor vehicles's owners manual. Also, engine modifications which may include, but is not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications, engine switching, etc;

1.86 "**Technical Bulletin**" means a document issued to Tester/Technicians and/or I/M Program Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emission Inspection and Maintenance Program;

1.87 "**Tester/Technician**" means a Department Certified Emission Tester or Department Certified Emissions Repair Technician;

1.88 "**Training Program**" means a formal program administered, conducted, or approved by the Department for the education of Testers/Technicians in basic emission control technology, inspection procedures, diagnosis and repair of emission related problems, Vehicle Emissions Inspection and Maintenance Program policies, procedures and this Regulation; it may also include the promotion of training for all mechanics;

1.89 "**UTAH2000 Analyzer or Analyzer**" means the official computerized engine exhaust analyzer and associated test equipment approved by the Department for use in the areas of Utah requiring inspections as specified in Section 41-6-163.6 and 41-6-163.7, Utah Code Annotated, 1953, as amended;

1.90 "**Vehicle Emissions Inspection and Maintenance Program**" means the program established by the Board of Health pursuant to Section 41-6-163.6, Utah Code Annotated 1953, as amended and Weber County Ordinance 14-4-1;

1.91 "**Waiver Referral**" means a document prepared and signed by an Tester/Technician used in the Vehicle Emissions Inspection and Maintenance program to certify that the vehicle has qualified to seek a waiver which may be issued by the Department;

1.92 "**Waiver**" see Certificate of Waiver.

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Weber County by requiring annual inspection of in-use motor vehicles and by requiring emission related repairs and adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote the public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with Federal Regulations contained in the Clean Air Act of 1970, 42 USC 7401-7671: and the amendments to the Act, Amendments of 1977, PL 95-190; and Amendments of 1990, PL 101-549;

2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6-163.6 and 41-6-163.7 Utah Code Annotated, 1953, as amended; and

2.5 Comply with Weber County Ordinance 14 Chapter 4, Implement Emissions Inspection, Sections 1 through 6.

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Section 14-4-3 of the Weber County Ordinance the Weber County Commission authorizes and directs the Weber-Morgan Board of Health and the Director of Health to adopt and promulgate rules and regulations to ensure compliance with EPA and State requirements with respect to Emission Standards and delegates its authority as an administrative body "under 41-6-163.6 U.C.A., 1953, as amended, to the Weber-Morgan Board of Health, to address all issues pertaining to the adoption and administration of the Vehicle Emission I&M Program. Authorizes a one dollar fee to be assessed upon every motorized vehicle registered in Weber County at the time of registration, to be known as the Air Pollution Control Fee.

3.2 Section 14-4-4 of the Weber County Ordinance, directs the Weber-Morgan Health Department to adopt regulations and set fees for I&M Stations and Mechanic Permits and Emission and Waiver Certificates as necessary to sustain and operate an I&M Program.

3.3 The Weber-Morgan Board of Health is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.

3.4 The Weber-Morgan Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(ii) of the Utah Code Annotated, 1953 as amended.

3.5 All aspects of the Vehicle Emissions Inspections and Maintenance Program within Weber County enumerated in Section 2.0 shall be subject to the direction and control of the Weber-Morgan Health Department.

4.0 POWERS AND DUTIES

4.1 General Powers and duties. The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Require the submission of information reports, plans and Specifications from I/M Program Stations, and as necessary to implement the provisions and requirements of this Regulation;

4.1.2 Issue permits, certifications and charge fees as necessary to Implement this Regulation;

4.1.3 Perform audits of any I/M Program Station and Tester/Technician and issue orders and/or notices, hold hearings, levy administrative penalties and negotiate consent agreements as necessary to effect the purposes of this Regulation;

4.1.4 When necessary take samples and make analysis to ensure that the provisions of this Regulation are met; and

4.1.5 Adopt policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished.

4.2 Suspension, Revocation, or Denial of Permits. The Department may suspend, revoke or deny a Permit of an I/M Program Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the Permit and unused Certificates of Compliance and other official documents of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate of Compliance by I/M Program Station personnel who did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Regulation;

4.2.2 A vehicle was inspected and rejected by the station when, it can be proven, as determined by the Department that the vehicle was in such condition that it did comply with the requirements of this Regulation;

4.2.3 A vehicle was inspected and issued a Certificate of Compliance when it can be proven, as determined by the department that the vehicle did not at the time of inspection comply with the requirements of Section

9.10 regarding tampering inspection;

4.2.4 A vehicle was passed and issued a Certificate of Compliance without being present for inspection or another vehicle was probed for the gas analysis during the two speed idle test;

4.2.5 The station is not open and available to perform Inspections during a major portion of the normal business hours- of 8:00 a.m. to 5:00 p.m., Mondays through Fridays,(except I/M Program stations which test only their own vehicles);

4.2.6 The station has violated any provisions of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.7 The station was or is not equipped as required by Section 8.0 of this Regulation;

4.2.8 The I/M Program Station is not operating within the property boundaries as of the location specified on the Permit;

4.2.9 An official inspection was done by a Non-Certified Tester/Technician or a Non-Certified Tester/Technician has gained access to the official testing portion of the Analyzer or a Non-Certified Tester/Technician has signed a Certificate of Compliance or other official testing document;

4.2.10 The approved Analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Analyzer or the test vehicle has been altered or tampered with in any way so that it will either pass or fail the emissions test when it would not otherwise;

4.2.11 The I/M Program Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.12 The I/M Program Station denies access to or conceals pertinent information from a representative of the Department during an audit or while conducting other necessary business during regular business hours;

4.2.13 The I/M Program Station performed unnecessary repairs not justified by the results of the inspection;

4.2.14 In accordance with 41-6-163.6 and 41-6-163.7 U.C.A., 1953, As amended, an emissions inspection for a Salt Lake, Utah, Davis or Weber County resident was performed but not as required by the Regulations adopted by the applicable county and/or the UTAH2000 Analyzer prompts;
or

4.2.15 A Tester/Technician employed at an I/M Program Station, and authorized to conduct emission inspections, who violates any of the provisions of Section 4.3.

4.3 Suspension, Revocation, or Denial of Certificates. The Department may suspend, revoke, or deny the Certificate of Qualification of a Tester/Technician and require the surrender of the Tester/Technician Certificate of Qualification upon showing that:

4.3.1 The Tester/Technician caused any of the violations listed in section 4.2 to occur;

4.3.2 The Tester/Technician issued or caused a Certificate of Compliance to be issued to an owner/operator without an approved inspection being made;

4.3.3 The Tester/Technician denied the issuance of a Certificate of Compliance to the owner/operator of a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate;

4.3.4 The Tester/Technician issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;

4.3.5 The Tester/Technician inspected, recorded and passed the tampering inspection, for a vehicle that did not, at the time of inspection, comply with the tampering requirements of the tampering inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not;

4.3.6 Inspections were performed by the Tester/Technician but not in accordance with applicable policies, procedures, technical bulletins, and this Regulation;

4.3.7 The Tester/Technician allowed a Non-Certified Tester/Technician to perform an inspection or gain access to the official testing portion of the Analyzer;

4.3.8 The Tester/Technician signed an inspection or certificate stating that he had performed the emissions test when, in fact, he did not;

4.3.9 The Tester/Technician signed a certificate prior to a test being performed and the certificate printed by the dedicated printer;

4.3.10 The Tester/Technician falsified any inspection or official document

of the Vehicle Emissions Inspection and Maintenance Program;

4.3.11 The Tester/Technician performed unnecessary repairs not justified by the results of the inspection; or

4.3.12 In accordance with Sections 41-6-163.6 and 41-6-163.7 U.C.A., 1953, as amended, an emissions inspection for a Weber, Salt Lake, Davis or Utah County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county.

4.4 Administrative Penalty: in lieu of suspending a Permit under Sections 4.2 and 4.3 the Department may impose an administrative penalty such as a negotiated monetary penalty by means of a consent agreement.

4.5 The Department shall respond, according to the policies and procedures this regulation, to public complaints regarding the fairness and integrity of inspections they receive, shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate. To challenge the results of an inspection or reinspection, a motorist must present his or her vehicle within 2 days (excluding Saturday, Sunday and Holidays) of the inspection being challenged for another emissions inspection at the Weber County Technical Center.

4.6 The Department is authorized to take any and all necessary measures to ensure or facilitate a smooth transition from the UTAH91 Analyzer testing program to the new UTAH2000 Analyzer testing program required by this Regulation. Such measures may include, but shall not be limited to the following:

4.6.1 Extending the period of time that a UTAH91 Analyzer may be used to perform an official inspection beyond the mandatory date for use of the UTAH2000 Analyzer as specified in Section 7.0 of this Regulation;

4.6.2 Permitting the use of the UTAH2000 Analyzer to perform official emissions tests prior to the mandatory date as specified in Section 7.0 of this Regulation;

4.6.3 Extending the period of time that the two speed idle test can be substituted for compliance when 1996 and newer motor vehicles fail the OBD IM test procedures;

4.6.4 Modify OBD IM test procedures when necessary and may include the temporary suspension of the OBD testing requirement; and

4.6.5 Only the Department may exempt vehicles from the OBD test requirements of this Regulation.

5.0 SCOPE

It shall be unlawful for any person not to comply with any policy, procedure, technical bulletin, regulation or ordinance promulgated by the County and/or the Department unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exceptions described in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles of model years 1968 and newer that are owned and/or operated by person domiciled in Weber County, shall be subject to an annual or biennial emission inspection performed by an I/M Program Station or other entity approved by the Department. Registration of a vehicle owned and operated by a Weber County resident in a County other than Weber is a violation of this Regulation. Fraudulent registration of a vehicle as a farm truck, diesel, or other exempted vehicle is also a violation of this Regulation.

6.1 Beginning 1 January 1992 a Certificate of Compliance, Certificate of Waiver or evidence that the motor vehicle is exempt from the Inspection and Maintenance Program requirements (as defined in section 6.4) shall be presented to the Weber County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See section 6.8.2) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle. Certificates of Compliance from other EPA approved I/M Programs may be accepted, if approved by the Director, provided those I/M Programs are equally effective in reducing emissions.

6.2 A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of six months as specified in Section 41-3-28.5, Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.

6.3 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the Vehicle Emissions Inspections/Maintenance program requirements in accordance with this Regulation on an annual or biennial basis pursuant to a schedule determined by the Department. Federally-owned vehicles and vehicles of employees regularly operated on a federal installation located in the county that do not require registration in the State of Utah shall comply with the emissions testing requirements on an annual or biennial basis pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act (1990 amendment).

6.4 Vehicle Exemption. The following vehicles are exempt from the annual or

biennial emissions inspection:

6.4.1 Any motor vehicle of model year 1967 or older;

6.4.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption Section 41-6-163.6, Utah Code Annotated, 1953, as amended;

6.4.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.4.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.4.5 Any vehicle that operates exclusively on diesel fuel or electricity;

6.4.6 Any new motor vehicle being sold for the first time that has a valid (Manufacturer's Statement of Origin) (MSO) form;

6.4.7 Any vehicle with an engine smaller than forty (40) cubic inch displacement (655 cc); and

6.4.8 Tactical military vehicles.

6.5 It shall be the responsibility of the Tester/Technician to determine if a motor vehicle is exempted from Section 6.6 of this Regulation when presented to the Tester/Technician for an inspection. It shall be the Tester/Technicians responsibility to inform the owner/operator of the vehicle that the vehicle is not required to have an inspection for vehicle registration purposes.

6.6 Official Signs.

6.6.1 All I/M Program Stations, except those stations authorized to inspect only their own motor vehicles such as fleet facilities, shall display in a conspicuous location on the premises an official sign provided and approved by the Department.

6.6.2 The emissions standards, as promulgated under authority of Section 12.0 and Appendix C of this Regulation shall be posted in a conspicuous place on the station's premises.

6.6.3 The station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection.

6.6.4 The signs required by Sections 6.8.1, 6.8.2, and 6.8.3 shall be

located so as to be easily in the public view.

6.7 Equipment Available for Inspection.

6.7.1 Required tools, materials, publications (see Section 8.1.4.3) supplies, records, unused Certificates of Compliance, other required forms, records of completed inspections, a complete copy of this Regulation, and duplicate copies of Certificates of Compliance issued shall be kept at the station at all times and shall be available for inspection and collection by the Department at any time the station is open for business.

6.7.2 A periodic inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station. As part of the periodic inspection and audit of the I/M Program Station the Department representative shall, as applicable, perform a gas calibration and leak check of each certified Analyzer, examine leak check and gas calibration records, and examine inspection records and Certificates of Compliance, as well as other required reports, forms, or records to see that the use of these items is in compliance with this Regulation and the policies and procedures of the Department.

6.7.2.1 During the time of the inspection and audit by the Department, the Department representative shall have exclusive access to the approved testing Analyzer(s).

6.7.2.2 The Department representative may check the accuracy of the Analyzer using Department gas to verify that the Analyzer is reading within the tolerances established by the Department. Analyzers not reading within the acceptable tolerances shall be calibrated to acceptable tolerances or placed "out of service".

6.8 Fees

6.8.1 The fees assessed I/M Program Stations and Testers/Technicians shall be determined according to a fee schedule adopted by the Board of Health. The fee schedule is referenced in Appendix B of this Regulation.

6.8.2 The following fee is hereby assessed upon every motor vehicle registered in Weber County annually at the time of registration of the vehicle:

6.8.2.1 Air Pollution Control Fee -- one dollar (\$1.00).

6.8.2.2 This fee assessment is included upon all motorized vehicles including those that are exempted from the inspection requirements of this Regulation by Section 6.4 unless a separate

fee is assessed on other motor vehicles by other Health Regulations.

6.8.3 I/M Program Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board of Health and referenced in Appendix B of this Regulation:

6.8.3.1 The inspection fee pays for a complete inspection leading to a Certificate of Compliance or a failure. If a vehicle fails the inspection, the owner is entitled to one free reinspection if he returns to the station that performed the original inspection within fifteen (15) days from the date of the initial inspection. The station shall extend the fifteen day free reinspection time to accommodate the vehicle owner if the station is unable to schedule the retest of the vehicle within the fifteen day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.8.3.2 At the request of the Department, a station shall extend the free retest time for vehicle owners who are unable to complete repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed the data storage capacity time of the approved emission Analyzer.

6.8.3.3 Duplicate Certificates of Compliance issued to a vehicle owner/operator shall not exceed that set by the Board of Health and referenced in Appendix B of this Regulation.

6.9 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Tester/Technician shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.

6.10 These fees are subject to change and may be amended as deemed necessary by the Board of Health to accomplish the purposes of this Regulation.

7.0 STANDARDS AND SPECIFICATIONS FOR EXHAUST GAS ANALYZERS AND CALIBRATION GASES

7.1 Approval of Exhaust Gas Analyzers

7.1.1 No emission inspection or emission test required by this Regulation

shall be performed after May 31,2000 unless the type of instrument used for determining compliance with this Regulation is the UTAH2000 Analyzer (except for provisions noted in Section 4.6). The Analyzer shall meet the requirements of the Analyzer specifications referenced in Appendix A of this Regulation. The Analyzer shall also be certified by the manufacturer as meeting the criteria of Section 207 (b) warranty provisions of the Clean Air Act. The instrument shall be in good working condition, capable of meeting calibration requirements of the Department and operated according to manufacturer's specifications and operating procedures and capable of operating to the standard required by the Utah2000 Analyzer Specification.

7.1.2 Analyzer Registration

Any Analyzer used by an I/M Program Station shall be registered with and approved by the Department and shall be issued an analyzer registration number and, if required, shall bear a registration sticker issued by the Department. Registration stickers are not transferable or assignable. Any new or used Analyzer put in use after station approval must be approved by the Department before use. Analyzers used temporarily during times of breakdown or repair of the registered Analyzer do not require a registration sticker but shall meet all other requirements of this section including the approval of the Department before use.

7.1.3 Running Changes

Any changes to the design characteristics or component specifications that may affect the performance of an Analyzer to be used as an official test instrument in the Vehicle Emissions Inspection and Maintenance Program shall be approved by the Department. It shall be the Analyzer manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the Analyzer.

7.1.3.1 It shall be unlawful for any person to alter or modify the hardware or software of an approved emissions Analyzer without written application and formal written approval by the Department.

7.1.3.2 It shall be unlawful for any person to gain access to any Department controlled portions of an approved Analyzer without approval by the Department.

7.1.4 Calibration/Span Gases

7.1.4.1 General

The Analyzer manufacturer and/or manufacturer designated

marketing vendor shall, supply at a reasonable cost calibration gases approved by the Department to any ultimate purchaser of the Analyzer. Each new or used Analyzer sold by the manufacturer or marketing vendor shall have when deemed necessary by the Department, approved full calibration gas containers installed and operational at the time of delivery. The Department shall establish necessary procedures for approving calibration/span gases.

7.1.4.2 Calibration/Span Gas Blends

The calibration/Span gases supplied to any I/M Program Station shall conform to the specifications of the Department. All calibration gases shall meet all requirements for emissions warranty coverage. Only gas blends supplied by Department approved vendors shall be used to calibrate Analyzers. (Approved gas blend and Department approved vendors are referenced in Appendix E of this Regulation.)

7.1.5 Documentation, Logistics, and Warranty Requirements

7.1.5.1 Instrument Manual

An instrument manual shall be provided by the Analyzer manufacture. The instruction manual shall be conveyed to the purchaser at the time of sale and shall contain at least the following information for the Analyzer:

- (a) A complete technical description;
- (b) The functional mechanical and electrical schematics;
- (c) The accessories and options that are included and/or available;
- (d) The model number, identification marking and location;
- (e) Operating maintenance schedule including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to, leaks, hangup, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
- (f) Field Calibration Procedures (i.e., Department inspection procedure with separate gas supply);
- (g) Cal-port gas inlet calibration, zero, and span instruction;

(h) Information concerning the nearest service facility where equipment can be serviced; and

(i) The warranty provisions for the Analyzer, including a list of warranty repair stations by name, address and telephone number.

7.1.5.2 Analyzer Maintenance.

The Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

7.1.5.3 Analyzer printers shall be maintained in such a manner that the printing of the Certificates, inspection reports and documents are accurate and legible. If any printer fails to properly function, then the Station shall discontinue testing until the required repairs have been performed or a replacement printer is installed.

7.1.6 Propane Equivalency Factor (P.E.F.).

Each instrument shall be labeled with a valid propane equivalency factor, shown with an accuracy of at least two decimal places, (i.e., 0.52). P.E.F. confirmation shall be made on each assembled Analyzer by measuring both N-hexane and propane values on assembly line quality checks. If the Analyzer bench is replaced, then a new P.E.F. label applicable to the replacement bench shall be appropriately attached to the Analyzer.

7.2 Gas Calibration and Leak Check.

7.2.1 A Tester/Technician shall perform a gas calibration of the exhaust gas Analyzer, with an approved calibration gas, within 72 hours prior to performing any emission test. A leak test must be performed every 24 hours. The gas calibration and leak test must be performed in accordance with the Analyzer specifications as contained in Appendix A.

7.2.2 The Analyzer instruction manual and other Department approved information shall be reviewed by the Tester/Technician to ensure that proper procedures are being used for performing the gas calibration.

7.2.3 The Analyzer shall lock-out when calibrations and leak tests are not performed within prescribed time frames.

7.2.4 The Department shall use and require for use in the calibration of Analyzers, calibration and span gases and containers meeting the guidelines contained in Section 7.1.5.

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

8.1 Permit Required.

8.1.1 No person shall operate a I/M Program Station without a valid Permit to operate issued by the Department. A person desiring to operate a I/M Program Station shall submit to the Department a written application for a Permit on a form provided by the Department. To qualify for a Permit, an applicant shall:

8.1.1.1 Be an owner of the proposed I/M Program Station or an officer of the legal ownership;

8.1.1.2 Comply with the requirements of this Regulation;

8.1.1.3 Agree to allow Department access to the I/M Program Station and to provide required information;

8.1.1.4 Pay the application permit fee at the time the application is submitted;

8.1.1.5 Present a copy of a current business license relating to the I/M Program Station; and

8.1.1.6 Other information required by the Department.

8.1.2 The application shall include:

8.1.2.1 The name, mailing address, telephone number, and signature of the person applying for the Permit and the name, mailing address, and location of the I/M Program Station;

8.1.2.2 Information specifying whether the Station is owned by an association, corporation, individual, partnership, or other legal entity;

8.1.2.3 The name, title, address, and telephone number of the

person directly responsible for the Station;

8.1.2.4 The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 8.1.2.3 of this section such as zone, district, or regional supervisor;

8.1.2.5 A statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms that the applicant will comply with this Regulation, and allow the Department access to the Station; and

8.1.2.6 Other information required by the Department.

8.1.3 No person shall in any way represent any place as an I/M Program Station unless the station is operated under a valid Permit issued by the Department.

8.1.4 The Department is authorized to issue or deny Permits for I/M Program Stations.

8.1.5 A Permit may not be transferred from one person to another person, from one I/M Program Station to another I/M Program Station or from one type of operation to another, i.e., test and repair to test only, unless approved in writing by the Department. The Permit shall be posted in a conspicuous place within public view on the premises.

8.1.6 The Department may renew a Permit for an existing I/M Program Station or may issue a Permit to a new owner of an existing Station after a properly completed renewal form is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the Station is in compliance with this Regulation.

8.1.7 No Permit shall be issued unless the Department finds that the facilities, tools, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 12.0, are employed and available to make inspections and adjustments, and the operation thereof will be properly conducted in accordance with this Regulation.

8.1.7.1 An I/M Program Station shall immediately notify the Department if the station does not have a Tester/Technician employed.

8.1.7.2 An I/M Program Station shall comply with all terms stated in the permit application and all the requirements of this Regulation.

8.1.7.3 As a condition for permitting all I/M Program Stations, the following tools and materials shall be available for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Department:

- (a) A Department approved Analyzer;**
- (b) An accurate dwell meter (Optional);**
- (c) An ignition timing light;**
- (d) A propane enrichment kit;**
- (e) Reference manuals (printed or electronic) approved by the Department that contain idle speed, idle mixture, timing, dwell, fast idle speed specifications, and information covering the emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection and Maintenance Program;**
- (f) Sufficient hand tools for proper performance of the inspection and minimum repairs and maintenance as required by the Department;**
- (g) Department approved calibration/ gases;**
- (h) The Analyzer manufacturer's maintenance and calibration manual, which must be retained in the inspection area;**
- (i) All forms, technical bulletins, a copy of this Regulation, and other information materials provided by the Department;**
- (j) A suitable non-reactive tailpipe extender or suitable probe adapter for inspecting vehicles with screened or baffled exhaust systems; and**
- (k) Suitable tools to interface with onboard vehicle computers for computer controlled vehicles which are intended to receive official repairs. (For example, General Motors compatible can tools are required if the I/M Program Station wishes to repair computer controlled GM vehicles failing the I/M test.)**

8.2 Duties of Testers/Technicians Working in Permitted Program Stations:

8.2.1 All facets of the Vehicle Emissions Inspection and Maintenance Program shall be performed by the Tester/Technicians including, but not limited to:

8.2.1.1 Analyzer preparation, calibration checks, and leak checks;

8.2.1.2 Exhaust gas sampling and analysis for purposes of an official emissions test for issuance of a Certificate of Compliance;

8.2.1.3 Preparation of reports, forms, and certificates.;

8.2.1.4 Accessing the official emissions testing section of the Analyzer; and

8.2.1.5 All other aspects of the official emissions test, including but not limited to, the tampering inspection, inserting the exhaust probe, hooking up the tachometer, hooking up the OBDII data link connector, entering data into the Analyzer, verifying that the engine is at normal operating temperature, ensuring that accessories are off, preconditioning the vehicle, and signing Certificates of Compliance and inspection forms, etc., unless otherwise approved in writing by the Director.

8.3 Safety.

An I/M Program Station facility shall be kept in good repair, free of obstructions and hazards and in a safe condition for inspection purpose. No inspection shall be conducted if unsafe conditions exist.

8.3.1 At no time shall carbon monoxide (CO) readings in the ambient air within the station exceed a peak hourly level of 35 parts per million.

8.3.2 All applicable Occupation Safety and Health Administration (OSHA), and other applicable health and safety rules and regulations must be followed in the station.

8.4 Fleet Facility.

A person may establish a fleet facility that is exempt from conducting business at regular hours, or displaying program signs as long as only vehicles owned or controlled by the fleet facility owner are inspected at the station. All other requirements of this Regulation apply.

8.5 Permit Duration and Renewal.

8.5.1 The Permit for I/M Program Stations shall be issued annually and shall expire one (1) year from the date of issuance. The Permit is renewable within sixty (60) days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the I/M program station to pursue the Permit renewal through appropriate channels,

8.5.3 The Station Permit fee shall be paid annually to the Department by the billing due date set by the Department.

8.5.4 Prior to the date on which the Station Permit fee is due the Department shall attempt to notify each regulated Station of the amount of the fee. Fees unpaid after the billing due date will be assessed a late fee which shall be added to the original fee amount.

8.6 I/M Program Station Permit Revocation and Suspension.

8.6.1 I/M Program Station Permits may be suspended by the Department for violations of this Regulation.

8.6.2 I/M Program Station Permits may be revoked by the Department for severe and/or repeated violations of this Regulation.

8.6.3 Suspension of I/M Program Station Permits shall follow the provisions of Appendix D of this Regulation.

8.6.4 I/M Program Station Permits are and remain the property of the Department, only their use and the license they represent is tendered.

8.6.5 Station Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

8.6.6 Failure to pay the Station Permit fee and any additional charges after the due date may result in suspension and/or revocation of the Permit and the right to operate as an I/M Program Station.

8.7 The I/M Station Shall Hold the Department harmless.

In making application for a Permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of I/M Program Station owner or their

employees.

9.0 INSPECTION PROCEDURE

9.1 The official emission inspection shall be solely performed by a Tester/Technician who has been certified at the station where the inspection is being performed and Department approved inspection procedures are being followed.

9.2 If the Tester/Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the inspection, he shall notify the owner/operator of the vehicle before the inspection is administered.

9.3 The entire inspection shall take place within the reach of the Analyzer hose and tachometer lead.

9.4 The temperature of the inspection area shall be between 41 Fahrenheit and 110 Fahrenheit (2 Celsius and 43 Celsius) during the inspection.

9.5 The Analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, and extreme temperatures or any other damaging environmental exposure.

9.6 The electrical supply to the Analyzer shall be able to meet the Analyzer manufacturer's requirements for voltage and frequency stability.

9.7 The Tester/Technician shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to personnel or damage to the station or test equipment or which may affect the validity of the inspection, until such condition is corrected. Such conditions included but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels, carburetor gas overflow, vehicle electronic instrument panel malfunction, and visible emissions (smoker).

9.8 Any time an engine stalls during an Emission Test, the Emission Test shall be restarted. If a Tester/Technician cannot complete an Emission Test because of continuous stalling, then the stalling problem shall be corrected before the test is performed.

9.9 The Tester/Technician shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration with those on the vehicle and shall enter them in the Analyzer at the appropriate prompt.

9.9.1 The Tester/Technician shall verify the owner's name and correct address and enter this information into the Analyzer at the appropriate prompt.

9.9.2 The Tester/Technician shall determine and enter the county in which the vehicle is registered at the appropriate prompt.

9.9.3 The Tester/Technician shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle Emission Test on the approved Analyzer at the appropriate prompt sequence.

9.9.4 All data entries to the Analyzer during the inspection shall be true and factual.

9.10 The Tester/Technician shall:

9.10.1 Conduct the inspection in accordance with the prompts from the Analyzer and the requirements of this Regulation.

9.10.2 Examine the emissions/tune-up specification decal (sticker) under the hood and/or check an approved reference manual to determine if the vehicle was manufactured with a catalytic converter, air injection reaction (AIR) system, PCV System, EGR System, and Fuel Evaporate Control System, etc, as prompted by the Analyzer.

9.10.3 On 1996 and newer model year vehicles follow the OBD IM test procedures in accordance with Appendix F.

9.10.4 On 1990 through 1995 vehicles, visually inspect for the presence and apparent operability of the AIR system, catalytic converter, EGR system, Fuel Evaporative Control system, PCV system, and gas tank cap in accordance with Department procedures and record the information in the Analyzer. If these parts or systems have been removed, or are inoperable, the vehicle fails and the owner shall repair or replace the parts or systems before the emissions test may be continued.

9.10.5 On 1968 through 1989 vehicles, visually inspect for the presence and apparent operability of the AIR system, PCV system, EGR system, Fuel Evaporate Control System, catalytic converter and gas tank cap etc. in accordance with Department procedures and record the information on the emissions Analyzer.

9.11 Prior to performing the emission test each vehicle shall be checked to determine that it is at normal operating temperature by feeling the top radiator hose or by checking the temperature gauge.

9.12 The inspection shall be performed with the transmission in 'park' or 'neutral' and with all accessories off and the emergency brake applied (the vehicle may not be placed in gear to drop idle speed, headlights may be turned on).

9.13 The Analyzer probe shall be inserted into the exhaust pipe at least twelve inches (12") or as recommended by the Analyzer manufacturer, whichever is greater.

9.14 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.

9.15 For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adaptor.

9.16 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.

9.17 For 1995 Model Year Vehicles and Older:

9.17.1 With the tachometer properly attached to the vehicle being tested;

9.17.2 The vehicle shall be tested according to the testing sequence as programmed into the Analyzer and as detailed in the Analyzer specifications referenced in Appendix A. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emission test. The dilution standard shall be contained in the Analyzer specifications as referenced in Appendix A and adjusted when the Department determines by analysis that an adjustment is necessary to yield a more accurate level of emissions readings.

9.18 A Certificate of Compliance shall be issued if:

9.18.1 The vehicle emissions levels are the same as or less than the applicable emissions standards; and

9.18.2 For 1990 through 1995 model year vehicles, the vehicle passes the visual inspection described in Section 9.10;

9.18.3 Beginning January 1, 2001 for 1996 and newer model year vehicles, the vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendix F of this Regulation.

9.19 If the vehicle fails the initial Inspection, the owner shall have fifteen (15) days to have repairs or adjustments made and return the vehicle to the I/ M program station that performed the initial Inspection for one (1) free reinspection. The vehicle that failed the initial inspection shall then be issued a Certificate of Compliance only when all of the following are met:

9.19.1 The vehicle is re-inspected;

9.19.2 The vehicle's emission levels are the same or less than the applicable Emission Standards and;

9.19.3 For 1990 through 1995 model year vehicles, the vehicle passes the visual Inspection as provided for in Section 9.10.

9.19.4 Beginning January 1, 2001 for 1996 and newer model year vehicles, the vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendix F of this Regulation.

9.20 A Certificate of Waiver shall be issued only under the following conditions:

9.20.1 For all vehicles, air pollution control devices applicable and specified for the make, model and year of the vehicle as specified in Section 9.10 of this Regulation are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted.

9.20.2 For 1968 to 1980 model year motor vehicles, if the vehicle continues to exceed applicable emissions standards after one hundred dollars (\$100) of acceptable emissions related repairs have been performed and the adjustments required by Section 10.0 have been performed by a Certified Emissions Repair Technician as part of the one hundred dollars (\$100) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the one hundred dollars (\$100).

9.20.3 For 1981 to 1995 model year motor vehicles, at least two hundred dollars (\$200) of acceptable emissions related repairs have been performed and the adjustments (were applicable) required by Section 10.0 have been performed by a Certified Emissions Repair Technician as part of the two hundred dollars (\$200) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the two hundred dollars (\$200).

9.20.4 For 1996 and newer model year vehicles, at least four hundred dollars (\$400) of acceptable emissions related repairs have been performed by a Certified Emissions Repair Technician as part of the four hundred dollars (\$400) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the four hundred dollars (\$400). Any repair costs eligible under the federal emissions warranties shall not be eligible to be applied to the repair cost waiver limits.

9.20.5 Any vehicle that experiences an increase in any emissions levels shall not be eligible for a certificate of waiver regardless of the amount spent in attempting to repair the vehicle.

9.20.6 As used in this section acceptable emissions related repairs:

9.20.6.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures.

9.20.6.2 Refers to repairs and maintenance of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce emissions:

- (a) Air Intake Systems;
- (b) Ignition Systems;
- (c) Fuel Control Systems;
- (d) Emission Control Systems except as noted in Section 9.22.4.4;
- (e) Basic Engine Systems; and
- (f) Repair of problems identified by On-Board Diagnostic (OBD) fault codes.

9.20.6.3 Does not include adjustments, maintenance, or repairs performed prior to the official emissions inspection.

9.20.6.4 Does not include the fee paid for the inspection.

9.20.6.5 Does not include costs associated with the repairs or replacement required by Section 9.10 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems, or costs incurred due to engine switching and/or modifications.

9.20.6.6 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

9.20.6.7 Does not include any diagnostics performed or any chemical additives.

9.21 Information regarding all performed repairs shall be entered into the appropriate data base of the Analyzer prior to the vehicle being reinspected.

9.22 Certificate of Waiver shall only be issued by the Department unless the Department determines other acceptable methods of issuance. A Waiver shall only be issued after determining that the vehicle complies with the requirements of Section 9.20. A Waiver shall not be issued to a vehicle with an inoperable or glowing check engine light.

9.23 Prior to referring the vehicle owner/operator to the Department for waiver eligibility, the Tester/Technician or Station shall verify that the repair and eligibility requirements of this Section have been met.

9.24 The inspection records shall be completed accurately, signed immediately, filed, and distributed, as required by the Department. The customer shall be given the appropriate copies.

9.25 After a passing Inspection customers shall be given the Certificate of Compliance along and appropriate copy of the Inspection form.

9.26 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the Analyzer specifications as referenced in Appendix A of this Regulation.

9.27 When a vehicle owner requests an Inspection, the Tester/Technician shall perform the inspection in the testing mode of the approved Analyzer. Performing a screening test (or pre-test) in the manual mode of the approved Analyzer or on a non-approved analyzer shall be a violation of this Regulation if the vehicle owner requested an emissions inspection. Adjustments or repairs shall not be made prior to a requested inspection.

9.28 At the end of each business day the UTAH2000 Analyzer shall be placed in a standby mode and be connected to the appropriate telecommunications line in order for the Department to collect data, load certificates, update station and Tester/Technician information or any other administrative procedures.

10.0 ADJUSTMENT PROCEDURES (Vehicles without computer Controlled Engine Systems)

10.1 The following adjustments should be performed on all 1981 and older vehicles (where applicable) that failed the I/M test. These adjustments must be performed by a emission repair technician before a vehicle will be eligible for an emissions waiver.

10.2 The manufacturer's or high altitude specifications, if available, for idle speed, idle air/fuel mixture, ignition timing, and dwell, shall be determined for the purpose of adjustment. The emissions repair technician shall refer to the emissions tune-up specifications. Fuel control systems designed with sealed tamper-resistant adjustment screws for air/fuel mixture shall be adjusted according to manufacturer's specifications and resealed. On vehicles that have limiter caps on the fuel control systems, the limiter caps shall be removed and the air/fuel ratio adjusted to meet manufacturer's specifications and the proper limiter caps shall be reinstalled. The adjustment procedures shall be as follows:

10.2.1 The dwell ,if applicable, shall be checked with a dwell meter to determine if it is within the recommended tolerance of 2 degrees of specifications. The dwell shall be reset if it exceeds this tolerance;

10.2.2 The idle speed shall be checked with a tachometer to determine if it is within 50 rpm of the manufacturer's specifications. If it is not, it shall be set to within 50 rpm of the manufacturer's specifications;

10.2.3 The ignition timing shall be checked, using a timing light or engine analyzer, to determine if it is within +4 degrees to -2 degrees of the recommended settings while the engine is idling at the specified speed. If the timing exceeds this tolerance, it shall be adjusted until it falls within +4 degrees to -2 degrees of the recommended setting;

10.2.4 The idle air/fuel ratio shall be adjusted according to manufacturer's suggested procedures and/or specifications using an infrared analyzer, propane enrichment kit, or tachometer;

10.2.5 The choke shall be checked for normal operation and, if appropriate, adjusted according to manufacturer's suggested procedures and/or specifications;

10.2.6 After completing the preceding steps, the idle speed shall be readjusted to manufacturer's specifications; and

10.2.7 The performed adjustments shall be entered in the required data base of the Analyzer.

11.0 ENGINE SWITCHING

11.1 All vehicles which qualify for testing under this section shall be tested by the Department only.

11.2 Vehicles qualifying for testing under this Section shall not be eligible for a Waiver.

11.3 Engine switching shall be allowed only in accordance with E.P.A. policy.

11.4 Vehicles not meeting the requirements of Section 11.0 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Regulation.

11.5 All 1990 and newer vehicles with switched engines shall be verified, to meet E.P.A. requirements, by the Department prior to issuance of a Certificate of Compliance.

11.6 For 1968 to 1989 vehicles, having an engine other than the original engine and emission control configuration are deemed as tampered. These vehicles must meet the HC and CO standards for the Model Year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Waiver, unless they are restored to the original engine and emission control configuration or a configuration approved by the Department.

12.0 EMISSION REPAIR TECHNICIAN / EMISSION TESTER CERTIFICATE OF QUALIFICATION

12.1 Emission Repair Technician Certification Required.

12.1.1 No person shall perform any part of the Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Emission Repair Technician Certificate of Qualification issued by the Department.

12.1.2 Applications for an Emission Repair Technician Certificate of Qualification shall be made upon an application form prescribed by the

Department. No Certificate of Qualification shall be issued unless:

12.1.2.1 The applicant has shown evidence of at least an associate degree in automotive technology or similar, or at least two (2) years work experience as an automotive mechanic, or other Department approved prerequisites.

12.1.2.2 The applicant has shown adequate competence by successfully completing the written and practical portions of the Emission Repair Technician Certification requirements as specified in this Regulation.

12.1.2.3 The applicant has paid the required permit fees as set by the Board of Health (reference in Appendix B).

12.1.3 An applicant shall comply with all of the terms stated in the Certificate of Qualification Application and with all the requirements of this Regulation.

12.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of Inspections, use of the approved Analyze; and adjustment and repair of vehicles to manufacturer's specifications. Such knowledge and skill shall be shown by passing:

12.1.4.1 A written qualification test including but not limited to the following:

- (a) Operation and purposes of emission control systems;
- (b) Relationship of HC and CO to timing and air/fuel ratio adjustments;
- (c) Adjustment to manufacturer's and high altitude specifications;
- (d) Function and operation of computer controlled emission control system including, but not limited to the following:

- Oxygen sensor;
- Engine control module (ECM);
- Other sensors;
- Three way catalytic convertor;
- Fuel injection system (type and discussion of differences);

(e) Inspection procedures as outlined in this Regulation and prompted by the Analyzer;

(f) Operation of the Analyzer including the performance of gas calibration and leak check;

(g) The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act; and

(h) The provisions of this Regulation and other applicable Department policies and procedures.

12.1.4.2 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration and leak testing of the Analyzer;

(c) Demonstration of ability to conduct the Inspection;

(d) Demonstration of ability to adjust the engine systems to manufacturer's and high altitude specifications; and

(e) Demonstration of ability to accurately enter data in the Analyzer; and legibly, accurately complete the required reports and forms.

12.1.5 A signed "Hands-on Performance" check sheet shall be necessary for successful completion of the performance qualification test. The "hands-on Performance" check sheet shall be signed by an instructor or other person approved by the Department.

12.1.6 The Department shall issue Emission Technician Certificate to an applicant upon successful completion of the requirements of this Section .

12.1.7 The Emission Repair Technician Certificate shall be valid only at the station where the Emission Technician is presently employed. If the Emission Technician is later employed at another station, he shall notify the Department of the employment change. He shall also be required to be certified there prior to performing any Inspections. That certification will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.1.8 Emission Repair Technician Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

12.2 Emission Tester Certification Required

12.2.1 No person shall perform any part of the Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Emission Tester Certificate of Qualification issued by the Department.

12.2.2 Applications for an Emission Tester Certificate of Qualification shall be made upon an application form prescribed by the Department. No Certificate of Qualification shall be issued unless:

12.2.2.1 The applicant has shown adequate competence by successfully completing the written and practical portions of the Emission Tester Certification requirements as specified in this Regulation; and

12.2.2.2 The applicant has paid the required permit fees as set by the Board of Health and reference in Appendix B.

12.2.3 An applicant shall comply with all of the terms stated in the Certificate of Qualification Application and with all the requirements of this Regulation.

12.2.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of emission testing and use of the approved Analyzer. Such knowledge and skill shall be shown by passing:

12.2.4.1 Operation and purposes of emission control systems;

12.2.4.2 Inspection procedures as outlined in this Regulation and prompted by the Analyzer;

12.2.4.3 Operation of the Analyzer including the performance of gas calibration and leak check;

12.2.4.4 The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act;

12.2.4.5 The provisions of this Regulation and other applicable Department policies and procedures; and

12.2.4.6 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration and leak testing of the Analyzer;

(c) Demonstration of ability to conduct the Inspection; and

(d) Demonstration of ability to accurately enter data in the Analyzer; and legibly, accurately complete the required reports and forms.

12.2.5 A signed "Hands-on Performance" check sheet shall be necessary for successful completion of the performance qualification test. The "hands-on Performance" check sheet shall be signed by an instructor or other person approved by the Department.

12.2.6 The Department shall issue an Emission Tester Certificate to an applicant upon successful completion of the requirements of this Section.

12.2.7 The Emission Tester Certificate shall be valid only at the station where the Tester is presently employed. If the Tester is later employed at another station, he shall notify the Department of the employment change. He shall also be required to be certified there prior to performing any Inspections. That certification will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.2.8 Emission Tester Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

12.3 Tester/Technician Certificate of Qualification Suspension and Revocation.

12.3.1 Tester/Technician Certificate of Qualification may be suspended by the Department for violations of this Regulation.

12.3.2 Tester/Technician Certificates of Qualification may be revoked by the Department for Severe and/or repeated violations of this Regulation.

12.3.3 Suspension or revocation of Tester/Technician Certification shall follow the provisions of Appendix D of this Regulation.

12.3.4 Tester/Technician Certification may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

12.4 Re-Qualification Requirements for all Tester/Technician Certification.

12.4.1 Tester/Technician Certificates shall not be transferred from one person to another person. Tester/Technician Certificates may not be transferred from one I/M Program Station to another or from one status to another, i.e., from test and repair to test only, without a written request and Department approval.

12.4.2 The Department may renew Certification for an existing Tester/Technician after a properly completed renewal form is submitted, reviewed, and approved, the re-certification requirements have been completed, the fees are paid and the Tester/Technician has complied with this Regulation.

12.4.3 Upon determination, by the Department, of the necessity of updating the qualification for Tester/Technician, they shall be required to re-qualify.

12.4.4 Tester/Technicians shall be required to re-qualify within a specified time period determined by the Department (from the date of written notification by the Department). The notice shall be mailed to the address of record in the office of the Department. Failure to re-qualify within the required period of time shall result in suspension or revocation of the Tester/Technician certification as described in this Regulation.

12.5 Certification Expiration.

12.5.1 The Tester/Technician Certificate shall be issued annually and shall expire one year from the date of issuance. The Permit shall be renewable within sixty (60) days prior to the date of expiration.

12.5.2 It is the responsibility of the Tester/Technician to pursue the renewal of the Tester/Technician Certificate.

12.5.2.1 Tester/Technicians who are lacking in training hours may be allowed to have a single 30 day extension past the expiration of their Certificate provided they make a request to the Department in person prior the expiration date of their Certificate and:

(a) Pay the extension fee as referenced in Appendix B; and

(b) Show proof that they are registered for training that qualifies for re-certification.

12.5.2.2 When an extension has been granted and after the training is finished the Tester/Technician shall come back and apply for their renewal approval and pay the renewal fee (reference in Appendix B). If the Tester/Technician comes in after the extension expires with the proper training requirements he will be charged the late renewal fee.

13.0 EMISSIONS STANDARDS FOR MOTOR VEHICLES

13.1 In order to obtain a valid Certificate of Compliance, a motor vehicle subject to an Emission Inspection shall not exceed the maximum concentrations for carbon monoxide (CO), and Hydrocarbons (HC) as established by the Board of Health (referenced in Appendix C) and/or pass a valid OBD test.

13.2 Maximum concentration of Cut-Points shall be adopted by the Board of Health to meet the National Ambient Air Quality Standards established by the United States Environmental Protection Agency (USEPA). The adopted Cut-Points shall remain in effect until changed by the Board of Health. Any change in Cut-Points shall be effective upon the first day of any calendar month designated by the Board of Health. The Board of Health shall adopt Cut-Points by considering the following factors:

13.2.1 The existing ambient air quality;

13.2.2 To provide for the required stringency necessary to meet air Quality Standards;

13.2.3 The requirements for air quality programs currently in effect as promulgated by the EPA, the Utah Department of Environmental Quality, the County and the Board of Health; The Cut-Points established shall be part of an overall program, in accordance with EPA guidelines, to achieve the required tailpipe reductions, of CO and HC from motor vehicles measured from the date this program is implemented;

13.2.4 The general level of emission control technology on vehicles registered in the County;

13.2.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;

13.2.6 The likelihood of a particular Cut-Point to achieve desired air quality goals; and

13.2.7 The ability to ensure compliance with the requirements of Section 41-6-163.6 and Section 41-6-163.7, Utah Code Annotated, 1953, as amended.

14.0 CERTIFICATE OF COMPLIANCE, CERTIFICATE OF COMPLIANCE NUMBERS AND CERTIFICATE OF WAIVER

14.1 No person shall make, issue or knowingly use any imitation or counterfeit of a Certificate of Compliance, Certificate of Compliance Numbers or Certificate of Waiver.

14.1.1 No person shall use a stolen certificate or certificate number.

14.2 Certificate of Compliance Numbers shall be obtained only from the Department.

14.3 No refund or credit shall be allowed for unused certificates/numbers, except as provided in Section 13.10.

14.4 Obtaining Certificate of Compliance Numbers.

14.4.1 Certificate of Compliance Numbers may be obtained in person by an authorized representative, of the I/M Program Station, possessing an acceptable form of identification.

14.4.2 Certificate of Compliance Numbers shall be issued in lots to be determined by the Department. The Department may limit the number of Certificate of Compliance Numbers issued to the number that the Department feels can be secured and stored safely.

14.4.3 Certificates of Compliance shall not be sold, loaned, transferred, or given to any other I/M Program Station, or any unauthorized individual. The I/M Program Station shall at all times account for all certificates/numbers that have been issued to the station. Failure to properly safeguard and/or account for Certificate of Compliance Numbers may lead to immediate suspension of Station Permit.

14.5 Certificates of Compliance shall only be issued to the vehicle owner/operator after being printed by the Analyzer. Completion of Certificates by other means than the Analyzer by any person or station other than the Department is strictly prohibited. The certificate shall be signed immediately after printing by the Tester/Technician who inspected the vehicle.

14.6 Certificates of Compliance shall not be issued until an inspection has been

performed as required by this Regulation.

14.7 All unused Certificate of Compliance Numbers shall be kept in a secure place at all times to prevent loss or theft.

14.8 Certificate of Compliance Numbers found to be missing, stolen, or unaccounted for, shall be reported to the Department within twenty-four hours and the Station shall cease performing Inspections until an investigation by the Department has been completed and the Department re-authorizes the Station to resume Inspections.

14.9 I/M Program Stations shall have Department issued Certificate of Compliance Numbers on hand at all times.

14.10 Upon final cancellation, suspension or revocation of the I/M Station Permit, the Station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance Numbers to the Department. The Department may receipt and refund the fee paid for unused certificates of Compliance Numbers to the Station owner according to the Weber County Clerk/Auditor's procedures. Upon transfer or termination of business ownership, the Station Permit and all Certificate of Compliance Numbers shall be immediately surrendered to the Department. Any person acquiring a business that has been permitted as an official I/M Program Station, is prohibited from using any Permit, Certificate of Compliance Numbers or emissions documents issued to the former business without authorization of the Department; and

14.10.1 Any Analyzer manufacturer or their authorized representative who repossesses or otherwise removes an Analyzer from an I/M Program Station shall immediately notify the Department and shall immediately surrender any Certificate of Compliance Numbers and the data disk that may still be in the Analyzer to the Department.

14.11 No person may alter computer software or electronic data associated with the Inspection without written permission by the Department.

14.12 No person may engage in repair of analyzer unless approved by the Department.

15.0 RIGHT TO APPEAL

Within ten (10) calendar days after the Department has issued a notice of violation, Permits denial, warning, suspension or revocation, any person(s) aggrieved may request in writing, a hearing before the Department. The written request for hearing shall be made on a form provided by the Department. The hearing shall take place within ten (10) calendar days, or other time mutually

agreed upon, after there request is received. A written notice of the Department's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Department may sustain, modify, or reverse the action or order, and/or negotiate a consent agreement but shall not require less than the minimum requirements of this Regulation and other applicable law.

16.0 PENALTY

16.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code annotated, 1953, as amended.

16.2 Each day such a violation is committed or permitted to continues shall constitute a separate violation. Also, each improperly issued Certificate of Compliance constitutes a separate violation.

16.3 The County Attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

16.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department in prosecuting and/or abating the violation.

16.5 The Penalty Schedule for Permits warning, Permits suspension, Permits revocation, and/or negotiated settlement agreements as adopted by the Board of Health shall be referenced in Appendix D of this Regulation and may be changed and updated by the Board of Health as deemed necessary to accomplish the purposes of this Regulation.

16.6 Enforcement of any criminal penalties does not preclude imposition of administrative or civil penalties and visa-versa.

17.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application

and to this end the provisions of this Regulation are hereby declared to be severable.

18.0 EFFECTIVE DATE

This Regulation including Appendix A through F shall become effective the day of its adoption by the Board of Health. Appendices may be modified by the Board of Health without affecting the rest of this Regulation. Appendices when amended by the Board shall become effective on the day of adoption of amendments by the Board of Health.

Adopted by the Weber-Morgan Board of Health - May 22, 2000.

Amendments to Regulation and Appendix B shall become effective July 1, 2003.

APPENDIX A

UTAH2000 Analyzer Specifications

Available upon request from the Department

All proposed options for test procedures, equipment specifications and program design shall meet emission reduction required by Section 9.18. The option to be selected is that which is most cost effective to the consumer as determined by the Board of Health.

The inspection for light duty vehicles (0-8500 lbs. GVWR) will consist of a stationary test at low and high speed idle for concentrations of hydrocarbons (HC), carbon monoxide (CO) and/or an OBD IM test, a functional inspection of the gas cap and a visual/tampering inspection of the fuel filler neck Restrictor, PCV, EGR, A.I.R. and catalytic converter systems.

All test equipment must meet specifications established by the Department. The Department may require Analyzers to meet portions of specifications established by the State of California Bureau of Automotive Repair termed Bar 97.

APPENDIX B
FEE SCHEDULE

The assessed fees for implementing the requirements of Section 6.10 of the Vehicles Emissions Inspection and Maintenance Program shall be:

PERMITTING OF AN OFFICIAL I/M PROGRAM STATION	\$250.00
ANNUAL RENEWAL OF STATION PERMIT	\$25.00
ANNUAL RENEWAL OF EXPIRED STATION PERMIT	\$50.00
RE-PERMITTING AN I/M STATION AT A NEW LOCATION	\$50.00
CERTIFICATE OF QUALIFICATION.....	\$25.00
TEMPORARY STATION PERMIT.....	\$50.00
ANNUAL RENEWAL OF TESTER/TECHNICIAN CERTIFICATION	\$10.00
TRANSFER OF TESTER/TECHNICIAN CERTIFICATE TO NEW STATION	\$10.00
DUPLICATE TESTER/TECHNICIAN CERTIFICATE.....	\$10.00
ANNUAL RENEWAL OF EXPIRED TESTER/TECHNICIAN CERTIFICATION.....	\$30.00
30 DAY EXTENSION OF TESTER/TECHNICIAN CERTIFICATE EXPIRATION DATE	\$30.00
AIR POLLUTION CONTROL FEE (PAID AT REGISTRATION - - ALL VEHICLES).....	\$1.00
DIESEL CONTROL FEE (PAID AT REGISTRATION - - ALL DIESEL VEHICLES)	\$9.00
EMISSIONS CERTIFICATE OF COMPLIANCE/NUMBER (EACH)	\$3.00
DUPLICATE CERTIFICATE OF COMPLIANCE (MAXIMUM)	\$3.00
COST FOR CHECKING A CATALYTIC CONVERTER (DEPARTMENT ONLY)	\$25.00
MAXIMUM EMISSION INSPECTION FEE	\$25.00
CLEAR A TAMPERING LOCK OUT - - THIRD TIME WITHIN ONE YEAR AND EACH TIME AFTER	\$10.00
RETURNED CHECK FEE	\$25.00
COPY OF I/M PROGRAM REGULATION.....	\$2.50

APPENDIX C

MOTOR VEHICLE EMISSIONS Inspection and Maintenance PROGRAM

The following schedule gives the maximum allowable concentration for carbon monoxide (CO) and hydrocarbons (HC) for both cars and trucks as determined by an approved Analyzer using the prescribed procedures. The effective date for these cut-points is 1 November 1991.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS 1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	6.0	800
1970 - 1974	5.0	700
1975 - 1976	4.0	600
1977 - 1979	3.0	500
1980	2.0	300
1981 AND NEWER	1.2	220
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 OR GREATER 1979 AND NEWER OVER 8,500 POUNDS GVWR		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	7.0	1500
1970 - 1978	5.0	1200
1979 - 1980	4.0	1000
1981 AND NEWER	3.5	800

Note: These should be considered as "cut-points" for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the emission levels should be well below the "cut-points".

APPENDIX D

PENALTY SCHEDULE

VIOLATION	1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
Failure to Inspect or probing a vehicle other than vehicle entered in test record.	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)		
Non-certified Tester/Technician performing inspection	Up to 6 Month Suspension (Station & Tester/Technician)	6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Fail a Passing Vehicle/Pass a Failing Vehicle	Up to 3month Suspension (Station & Tester/Technician)	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Failure to Comply with Proper Test Procedures	Formal Warning (Station & Tester/Technician)	Up to 3 Month Suspension (Station & Tester/Technician)	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)
Performing Unnecessary or Unrelated Repairs	1 Month Suspension (Station & Tester/Technician)	3 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Inaccurate or Incomplete Data	Formal Warning (Station & Tester/Technician).	Up to 30 Day Suspension (Station & Tester/Technician)	Up to 3 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)

OTHER APPROPRIATE WARNINGS, SUSPENSIONS, NEGOTIATED CONSENT AGREEMENT, AND/OR REVOCATIONS AS DEEMED NECESSARY AND PRUDENT BY THE DEPARTMENT.

All Tester/Technician and Station suspensions may be reduced in length by a Negotiated Consent Agreement which may substitute monetary penalties for part of all of the suspension time. Consent Agreements for stations are based on 50% of the testing revenue that could have been expected during the suspension time based on a minimum test fee of \$20.00. Consent agreements for the technicians is based on \$100 increments for any 15 day period or portion thereof up to a maximum of 90 days. Negotiated Consent Agreements are only applicable in relation to suspension.

APPENDIX E

Department Approved Calibration Gas and Calibration Gas Blenders Available at:

List available upon request from Department

APPENDIX F

OBD IM TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer:

1. Turn the ignition switch to the off position for at least 12 seconds;
2. Visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates when the ignition key is turned to the key on/ engine off position. (Note: MIL may only light briefly, watch closely.) If the MIL does not illuminate at all then the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
3. Locate the Data Link Connector (DLC) in the vehicle and connect the OBDII test equipment (Analyzer). If DLC is missing, has been tampered with, or is otherwise inoperable then the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
4. Start and leave the engine running. Check for MIL illumination. If the MIL illuminates after the engine has been started, even if no fault codes are present, the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
5. Vehicle status not ready; perform two speed idle test prior to January 1, 2001, after December 31, 2000 the vehicle must be preconditioned to a ready status. Exception: OBDII deficient vehicle will be given the two speed idle test. (Note: Certain vehicles may be exempted by the Weber-Morgan Health Department from OBD IM testing. Exemption can only be given by the Weber-Morgan Health Department.)
6. Vehicle status ready; when MIL light is on check Diagnostic Trouble Codes (DTC=s); determine pass or fail, and record results. (Note: Do not check DTCs if MIL is not commanded on.)
7. Turn off engine and disconnect test equipment.

WEBER-MORGAN DISTRICT HEALTH DEPARTMENT

POLICIES AND PROCEDURES
OF THE
WEBER COUNTY I/M PROGRAM

STATION AUDITS

1. I/M Program stations are to be audited on a quarterly basis with the high volume and high risk stations done on a more frequent schedule. Audit frequency should be altered to a degree to help prevent the predictability of the audit date by station personnel.
2. Monthly station/mechanic evaluation reports: Each auditor is routinely given a monthly report listing the activities of each station and mechanic in his district. He is instructed to review this printout and identify problem areas, i.e., high fail rates, low fail rates, tampered vehicle, etc. He then discusses these problems with the station manager and mechanic during the audit. These reports are then filed in the station folder for future reference and used as a means of determining if the problem has really been taken care of. Repeat violators are sent notices; and then suspended if the problem persists. Monthly evaluation printouts are also used to select stations for undercover audits (low-high fail rates).
3. One copy of the station evaluation and one copy of the station performance report will be obtained during each audit.
4. The station performance report will be completed during each audit. Any violation(s) will be noted and station manager or responsible individual informed regarding the violation(s).
5. Gas audits of station analyzer shall be performed on a quarterly basis by the station auditor. Using span gas provided by the Department, the analyzer readings must be within a tolerance of +/-5% for co and +/7% with hang-up correction for HC. If analyzer fails the gas audit, the auditor shall perform analyzer maintenance and attempt another gas audit. If this attempt fails the auditor shall place the analyzer out of service, in accordance with the Weber County I/M Regulations, Section 6.9, Subsection 6.9.2.1. If analyzer is locked out due to a gas audit failure, it shall be noted on the station performance report and station manager shall read and initial and date this statement. Once notification of repair is received from station personnel, the station auditor shall make every effort to remove lockout within the same date of notification. If same date lockout removal cannot be achieved, then next day will be acceptable.
6. If a station auditor notes a consistent violation (two consecutive violations), that the I/M station does not correct in spite of violation notices on performance reports, and has been given a reasonable amount of time for any corrections, then

this information is to be given to the I/M Program Director for administrative action.

7. All items covered on the station performance report are to be checked on each audit. Of particular concern is the certificate accountability. All unaccounted certificates will constitute a station to cease inspection operations until the Department authorizes the station to resume inspections, as per Weber County I/M Regulations, Section 13.0, Subsection 13.8.
8. Scheduling: Auditors routinely vary the date that they visit each station. This reduced the possibility that the station will prepare for the audit just before expected visit. This has caught some stations off guard and resulted in the discovery of improprieties that otherwise would go undetected. The policy of using the supervisor to perform random audits has also helped to take away a predicted routine that stations and mechanics could abuse.
9. During regular audits, the analyzer's data disk will be removed from the analyzer and exchanged for a new, formatted disk provided by the Department. Old disks will be discarded after the information has been downloaded to the system.
10. The analyzer information disk is to be returned to the office and should be transferred to the county mainframe on a timely basis. The disk should then be saved for future reference or until it has been determined that the information has been successfully uploaded.
11. Where possible, the station auditor should attempt to observe an actual emissions test during the station audit.
12. In the event that a station comes under investigation for alleged misconduct, the station's auditor will conduct a station audit immediately and turn over all information to the Department Director for any administrative action as deemed by the Weber County I/M Regulations and the Department Director.

AUDIT PROCEDURES - UTAH 91 ANALYZERS

- I. Prior to the audit:
 - A. Review station folder to determine if there is any follow-up corrective action required from the previous audit.
 - B. View the performance report to determine if there are nay missing certificates.
 - C. Obtain calibration cylinder, vehicle identification reference manual. (Or use station reference manual)
- II During the audit:

- A. Obtain station performance report. Verify that the station permit, mechanic's certificates, station sign, fee chart, reference manuals, and other required equipment is available. Note any discrepancies for the station performance report.

 - B. Access the station analyzer audit menu of the analyzer computer. Select the station evaluation report (see attachment no. 1) and print out the information. Review this information to see if there are any unusual entries, i.e., a significant increase/decrease in the fail rate. Note and question the station manager on any unusual information. Verify that the time and date entries are correct.
 1. Select the station performance report (see attachment no. 2) and program in the appropriate information. Note on this report the number of the next unused certificate.

 2. Select gas audit and introduce your audit calibration gas into sample line probe. Obtain printout of results (see attachment no. 8). Calculate the reading that you are supposed to observe and compare this reading with that on the printout. If it is determined that the analyzer is out of calibration, select the calibration history and review previous calibration reports (attachment no. 9). Determine if there is any indication of drift beyond the maximum allowed since the last calibration. If so, schedule follow up checks to determine how long the analyzer will remain in calibration. If it is determined that the analyzer cannot remain in calibration for three days, it will be locked out until repairs are completed.

 3. Select the mechanic evaluation report (see attachment no. 3) and program in each mechanic. Obtain printouts and review for unusual entries, i.e., significant fail or pass rates. Any significant discrepancies should be noted and discussed with the station manager.
 - a. Select multiple repairs report (see attachment no. 4) for suspect mechanics and obtain printout. May refer back to station/mechanic evaluation report. Unusual entries will be discussed with station manager.

 - b. Select fast testing report (attachment no. 5) and review for unusual entries. If observed, obtain printout for documentation of problem.

 - c. Select emissions reductions report (attachment no. 6) and review for 50% reductions in HC and CO if a significant number of repairs have been performed. If not, obtain
-

printout for follow up action or to discuss with I/M mechanic or other responsible individual.

- d. Select consecutive test comparison report and observe to see if there are any repeat tests with the same readings. If so, obtain a printout and discuss with the station manager or notify the Director to do an undercover audit there. You may also want to printout test records to verify the same readings indicating that the same vehicle was probably used to each test.

4. Select auditor's notes (see attachment no. 10) and review to determine if there are any unresolved discrepancies that require follow up. Also, use this opportunity to record any information that you want to pass on to the next audit.

5. Select analyzer tampering/access report (see attachment no. 11) and review for lockouts. Insure that county lockouts involving everything but service are cleared by the auditor.

C. Review station files:

1. Using the vehicle identification encyclopedia, randomly select a few vehicle inspection reports (VIRs) and check for proper entries for engine displacement. Then using the application guide, verify that the device check is properly programmed on the report. If a significant number for a particular mechanic is observed, check more thoroughly to determine the extent of the problem. Bring this information to the attention of the station manager and mechanic.
2. Insure that the VIRs are filed in numerical sequence and that they have the yellow copy of the certificate of compliance attached.
3. Insure that separate files are available for fail and pending vehicles awaiting retest.

III After the audit:

- A. Advise supervisor of any discrepancy involving a warning or suspension letter and provide documentation to support it.
- B. Compile all information and file in the station folder.
- C. Complete I/M station audit report indicating when the audit was performed.

COMPLAINTS

1. When an emission related complaint is received, the secretary will retrieve the following information on an approved complaint form: complainant's name, address, home and/or work phone, station at which incident occurred, inspectors name, dated and time of the incident and a description of complaint. Complaint will then be assigned to a station auditor who in a timely manner will investigate the complaint, take appropriate action, file a report with the Director, and notify the complainant as to the results of the investigation.

POLICIES AND PROCEDURES
COVERT AUDITS

1. Covert audits. The counties to the extent possible perform a covert audit of each inspector and station at least once a year. The number of covert audits at least equals the number of permitted inspectors. Covert audits are performed using a variety of vehicles that are representative of the subject malfunctions. Suspected problem stations and inspectors are targeted for earlier and more frequent audits. Complaints also trigger additional audits.
 2. Covert performance audits shall include:
Remote visual observation of inspector performance, which may include the use of aids such as binoculars or video cameras, at least once per year per inspector in high-volume stations (i.e., those performing more than 4000 test per year);

Site visits at least once per year per number of permitted inspectors (per inspector FTE) using covert vehicles set to fail (this requirement sets a minimum level of activity not a requirement that each inspector be involved in a covert audit); and

For stations that conduct both testing and repairs, at least one covert vehicle visit per station per year including purchase of repairs and subsequent retesting if the vehicle is initially failed for tailpipe emissions, at least once per year per station.
 3. Vehicles used for undercover audits will be pre-tested and adjusted for use at the Technical Center.
 4. The vehicle operator must follow the guidelines in memorandum dated 20 March 1986 from deputy County Attorney regarding "Guidelines to Avoiding Entrapment".
 5. The audit should be performed in such a manner as to avoid giving employees at the station being audited any indication that an audit is being performed.
 6. The surveillance report form should be filled out completely for each phase of the audit.
-

7. Covert auditors will complete a training course provided by the Department which is designed to thoroughly familiarize them with all aspects of the emission inspection procedures.
8. Covert auditors will be rotated to avoid becoming recognizable to inspection station personnel.
9. In all cases, vehicles shall be adjusted to fail either the emissions or tampering or both aspects of the test.
10. On covert audit failures, administrative actions will follow the penalty schedule of the Weber County I/M Regulations.
11. A complete audit includes the following phases:
 - a. Pre-testing and adjusting of vehicle.
 - b. Audit/testing at designated station.
 - c. Post-testing and readjusting original configuration if needed. Completed inspection forms are to be returned to the Program Director
 - d. A briefing with Director of his representative on test results.
 - e. Appropriate action taken on any discrepancies.

VEHICLE TAMPERING INSPECTION PROTOCOL

In accordance with Weber County Inspection/Maintenance Rules and Regulations, Section 1.77 Tampering Definitions, Section 3.0 Jurisdiction of Counties, Section 4.1.5 Powers and Duties, and Section 4.2.3 Powers and Duties.

All Weber County Inspection/Maintenance inspector/mechanics when conducting a tampering inspection, will determine the following on all vehicle model years included in the program:

1. Through the use of the vehicle decal or an approved vehicle reference manual, determine those emission control devices that should be present on a particular vehicle.
2. Conduct a visual inspection of said vehicle to determine if those items are indeed present.
3. Determine if those items have been intentionally or accidentally removed or altered from the original configuration.
4. Enter pass/fail information correctly into the analyzer.
5. Inspectors will be held accountable for their tampering inspections. If an inspection is found to be incorrect, and inspector may be subject to penalties found in the Inspection/Maintenance Penalty Schedule.

ENFORCEMENT AGAINST STATIONS AND INSPECTORS

1. A penalty schedule to be used in the case of violations by individual inspectors and stations. The penalties escalate based upon the frequency

of commission and relative severity in terms of a violation's direct impact on the emission reduction potential of the program. Penalties shall take the form of suspension of license revocation with annual competency re-certification requirements.

2. Auditors are granted the authority to immediately suspend station and inspector licenses upon finding a violation. A formal hearing is conducted to evaluate evidence and determine penalty. The I/M program management shall record all enforcement activities, including all warnings, fines, suspensions, revocations and other notices of violation. At least once a year, the program shall compile summary statistics on its enforcement activities and report this information to the public and EPA.

3. In the case of inspector incompetence, the inspector is required to be retrained and must successfully demonstrate the ability to perform the test procedure prior to the restoration of testing privileges. For cases of inspector violations resulting from factors other than incompetence, the inspector shall be suspended from testing for a minimum of one month, with such suspension increasing with the severity and frequency of violation, leading ultimately to permanent license revocation.

**APPENDIX D
PENALTY SCHEDULE**

VIOLATION	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE	4TH OCCURRENCE
INTENTIONALLY PASSING A FAILING VEHICLE	6 MONTH SUSPENSION	REVOCATION		
FAILURE TO INSPECT	UP TO 6 MONTH SUSPENSION	REVOCATION		
NON-CERTIFIED INSPECTOR	UP TO 6 MONTH SUSPENSION	REVOCATION		
PASS A FAILING VEHICLE	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION	
FAIL A PASSING VEHICLE	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION	
FAILURE TO CALIBRATE OR OTHER PROCEDURES	FORMAL WARNING	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION
PERFORMING UNNECESSARY OR UNRELATED REPAIRS	1 MONTH SUSPENSION	3 MONTH SUSPENSION	REVOCATION	
INACCURATE OR INCOMPLETE DATA	FORMAL WARNING	UP TO 30 DAY SUSPENSION	UP TO 3 MONTH SUSPENSION	REVOCATION
OTHER APPROPRIATE WARNINGS, SUSPENSIONS, NEGOTIATED CONSENT AGREEMENTS, AND/OR REVOCATIONS AS DEEMED NECESSARY AND PRUDENT BY THE DIVISION				

All suspensions may be reduced in length by a negotiated consent agreement which may substitute monetary penalties for part or all of the suspension time. Negotiated Consent Agreements are only applicable in relation to suspension.

UTAH STATE IMPLEMENTATION PLAN

SECTION X

**VEHICLE INSPECTION
AND MAINTENANCE PROGRAM**

PART E

WEBER COUNTY

Adopted by the Utah Air Quality Board
November 3, 2004

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**SECTION X, PART E
WEBER COUNTY
Appendices**

- 1 Vehicle Emissions Inspection/Maintenance Program regulation revised
May 12, 2003.
- 2 Audit Policies

**UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART E
WEBER COUNTY**

1. I/M performance standard

Federal requirements EPA's I/M regulation, 40 CFR Part 51, Inspection and Maintenance Program Requirements last amended at 66 FR 18156, April 5, 2001, specifies a model Basic I/M program. Utah is required by Section 182 of the Clean Air Act to implement an I/M program in Weber County that is at least as effective as the EPA's Basic Performance Standard. The Basic I/M performance standard is specified in 40 CFR 51.352. While local governments have flexibility to implement programs best suited for their area, EPA's regulations require a performance demonstration that local I/M programs result in automotive emissions equal to or less than predicted for the EPA model I/M program. State and local governments may choose options best suited for their area to meet the performance standard.

I/M Program MOBILE modeling Mobile source emission factors are determined by use of the most recent release of EPA's MOBILE model. The MOBILE model is able to calculate emission factors, grams of a particular pollutant per vehicle mile traveled across the fleet in an area (G/VMT), given information about the fleet, climate, fuel characteristics and I/M programs in a local area. The latest approved release of the MOBILE model was used for the I/M performance standard demonstration analysis and the documentation is included in the respective criteria pollutant section of the SIP.

I/M Program Performance Standard Weber County's I/M program exceeds the Basic I/M performance standard for all pollutants, although the EPA only requires the demonstration for each pollutant which caused an area to be subject to an I/M program. The Ogden City is a Particulate Matter (PM₁₀) non-attainment area and a carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) maintenance area.

I/M Program Improvements Weber County is committed to implementing improvements to its Basic I/M Program, if necessary to achieve air quality standards. The Weber-Morgan Health Department Board of Health, within one year of written notification by the Executive Secretary that Weber County has violated the CO NAAQS, will enact Basic I/M program improvements. These contingency measures are identified in the Ogden City Carbon Monoxide (CO) Maintenance Plan. These include improved detection and elimination of illegal registration of vehicles, lowered emission cut points in all tested vehicles, application of the vehicle tampering requirements to additional years and improved technician training and certification.

2. Network type

Weber County's I/M program is a basic, decentralized, test-and-repair network. On-Board Diagnostic (OBD) compliant 1996 and newer model year vehicles undergo an OBD inspection. The Weber-Morgan Health Department regulation administering the program is provided in Appendix E.1.

3. Tools and resources

Funding mechanisms Weber County's I/M program is funded through several mechanisms including a \$1 air pollution control fee for each vehicle registered in the county. I/M Certificates are sold to I/M test stations for \$3.25 each. The county also charges fees for various permitting activities. The fees are dedicated to the I/M program. A fee schedule can be found in an Appendix to Weber County's I/M Program ordinance.

I/M program funding requirements Weber County will allocate funding as needed to comply with the relevant requirements specified in Utah's SIP; Utah statutes; county ordinances, regulations and policies; and the federal I/M program regulation.

4. Test convenience

There are approximately 110 permitted Basic I/M stations within Weber County. Specific operating hours are not specified by the county. Some stations that test and/or service only one type of vehicle are permitted. There are also government and private fleet permitted stations that are not open to the public.

5. Vehicle coverage

Subject fleet All model year 1968 and newer model year light duty vehicles, light duty trucks, and heavy duty trucks registered or principally-operated in Weber County are subject to the I/M programs except for exempt vehicles as specified in the Weber County I/M Ordinance. All vehicles six years old and newer on January 1 are tested every other year; older vehicles are tested annually as per Utah Code 41-6-163.6(6) amended in 2002.

Alternative fuels Vehicles operated on alternative fuels such as propane, alcohol, and natural gas are also subject to the program. Dual-fueled vehicles are tested twice, once on each fuel.

Government fleet Section 41-6-163.6(1)(b) of the Utah Code requires that all vehicles owned or operated in the county by federal, state, or local government entities comply with the I/M programs.

Vehicles owned by students and federal employees Section 41-6-163.3(5) of the Utah Code requires universities and colleges located in Utah's I/M areas to require proof of compliance with the I/M program for vehicles that are permitted to park on campus regardless of where the vehicle is registered. Vehicles operated by federal employees and

operated on a federal installation located within an I/M program area are also subject to the I/M program regardless of where they are registered. Proof of compliance consists of a current vehicle registration in an I/M program area or an I/M certificate of compliance or waiver, or evidence of exempt vehicle status as specified in this section.

Farm truck exemption Eligibility for the farm truck exemption from the I/M programs is specified in Section 41-6-163.6(4) of the Utah Code and must be verified in writing. The owner must sign an affidavit on Utah State Tax Commission form TC-838 that vehicle use will be limited to agricultural activities.

Diesel vehicle exemption Persons registering a diesel vehicle that was registered as a gasoline vehicle are required to present the vehicle to the Weber County I/M Technical Center for verification of fuel type..

New vehicle exemption Proof that a vehicle is new and being registered for the first time is established by presentation of a Manufacturer's Statement of Origin (MSO) at the time of registration.

Out-of-state exemption Vehicles registered in an I/M county but operated out-of-state are eligible for an exemption. The owner must complete Utah State Tax Commission form TC-810 in order to be registered without inspection documentation from Weber County. The owner must explain why the vehicle is unavailable for inspection in Utah. Common situations include Utah citizens that are military personnel stationed outside of the state, students attending institutions of higher education elsewhere, and people serving missions. If the temporary address of the owner is located within another I/M program area listed on the back of the form, the owner must submit proof of compliance with that I/M program at the time of, and as a condition precedent to, registration or renewal of registration. The vehicle owner must identify their anticipated date of return to the state and is required to have the vehicle inspected within 10 days after the vehicle is back in Utah, unless they can demonstrate that the vehicle had passed an I/M inspection in another area. Weber County maintains a record of such exemptions and requires submission of an I/M inspection certificate or waiver at the indicated time.

Exempt vehicle The following vehicles are exempt from inspection: motorcycles, electric powered vehicles, new vehicles registered for the first time, model year 1968 and older vehicles, farm vehicles and equipment, construction equipment, and other off-road vehicles.

Unregistered vehicles I/M ordinances and regulations require that vehicles available for rent or use in Weber County be subject to its I/M program. To the extent practicable, all vehicles principally operated within the county are subject to the I/M program.

6. Test procedures and standards

Specifications Detailed specifications for the I/M test procedures and standards are described in the Weber County I/M ordinance provided in Section X, Part E, Appendix

E.1. Specifications for the test procedure and equipment were developed according to good engineering practices to ensure test accuracy.

Test procedure and analyzer The Basic I/M program is compatible with EPA's PRECONDITIONED TWO SPEED IDLE TEST as specified in EPA-AA-TSS-I/M-90-3 March 1990, Technical Report, "Recommended I/M Short Test Procedures for the 1990's: Six Alternatives. 1996 and newer vehicles are tested using OBD II test procedures. All Basic emissions inspections are performed using the UTAH2000 Analyzer, a BAR97-type emissions analyzer. The UTAH2000 Analyzer calibration specifications and emissions test procedures meet the minimum standards established in Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.

Covered vehicles are defined in Section 5 above. All covered vehicles in Weber County are subject to the Basic test procedure and inspected using the UTAH2000 analyzer as specified in this section.

Pre-inspection emissions-related repairs Inspectors in the county's test-and-repair networks are required to perform the emissions test prior to making any emissions-related repairs when a vehicle is presented for an emissions inspection. All inspectors who conduct test-only inspections, are required to ask the vehicle owner or operator whether a tune-up or other emissions-related repairs have been performed within 6 weeks prior to the emissions inspection and to document the owner's response in the UTAH2000 computer database.

Safety issues Vehicles presented in unsafe condition must be repaired before inspection. Vehicles are also subject to an annual safety inspection administered by the Highway Patrol. Submission of proof of compliance with the safety program is also required as a condition for registration or renewal of registration. Most owners in Utah's test-and-repair networks have the safety and emissions inspection performed at the same time. Data relative to the safety inspection can be recorded in the UTAH2000 Analyzer. Weber County's I/M program is administered with close cooperation with the Utah Highway Patrol Safety Program.

Emission standards Vehicles must pass both the hydrocarbon and carbon monoxide emission standard regardless of the NAAQS attainment status of the county. The emission standard for the Basic I/M program was used in the MOBILE modeling that was conducted to demonstrate compliance with the Basic I/M performance standard.

Stringency The Weber County I/M program will adjust tailpipe emission standards as necessary to maintain a stringency rate of at least 22% for pre-81 model year vehicles, the stringency rate used in the Basic I/M performance standard modeling demonstration.

Re-test standards The same test procedure and emission standards are used for initial tests and retests, regardless of which part a vehicle may have failed during an initial test. Weber County's I/M test procedure requires an official test, once initiated, to be

performed in its entirety regardless of intermediate outcomes, except in the case of invalid test conditions, unsafe conditions or the fast pass/fail algorithms.

Anti-tampering provisions Regardless of the vehicle model year, Weber County does not allow waivers for tampered vehicles or money spent to repair tampered or missing emission control devices to be applied towards a minimum waiver cost. The county requires repair of any tampering of the air system, catalyst, exhaust gas recirculation (EGR) valve, evaporative system, positive pressure crankcase valve (PCV), and gas cap on model year 1990 and newer vehicles.

Engine changes Weber County's I/M ordinance has a section that addresses engine changes. After an engine change, vehicles are tested to the tailpipe emission standards and anti-tampering requirements applicable to vehicles of the engine model year. Mixing vehicle classes (e.g., light-duty with heavy-duty) and certification types (e.g. California with federal) within a single vehicle is considered tampering.

Fuel switching Vehicles that are switched to a fuel type for which there is no certified configuration are tested according to the most stringent emission standards for that vehicle model year and vehicle type.

7. Test Equipment

Specifications The UTAH2000 Analyzer is a BAR97-type computerized emissions analyzer. Additional written technical specifications for Weber County's I/M test equipment are specified in Weber County's I/M ordinance.

Analyzer access restrictions An inspector access code is required to use the UTAH2000 analyzer for official tests, a service access code to repair or service the analyzer, and an auditor access code to access the audit functions. DOS functions are not accessible to station owners or inspectors. County I/M auditors make programming changes from disks supplied by the analyzer manufacturer.

Data security provisions Manual data entry is minimized. For initial inspections, the inspector enters vehicle registration and vehicle information from the keyboard. Data elements are described in the UTAH2000 analyzer specifications. For retests, the inspector calls up the initial test file, compares the vehicle and owner data, and confirms the VIN/license plate data. Data regarding inspections, analyzer calibration and service, lockout activities, and audit information are downloaded to the county vehicle identification database daily; data from each analyzer is downloaded once or twice weekly.

Automated test procedure The UTAH2000 analyzer automatically reads all test measurements, records test results in the computer database, determines whether the vehicle has passed or failed a test, and prints vehicle inspection reports and inspection certificates for all subject vehicles. The analyzers are capable of simultaneously sampling dual exhaust vehicles. The analyzer bench includes two non-dispersive infrared (NDIR)

analyzers for carbon monoxide, carbon dioxide, and hydrocarbon measurements (one low range and one high range), and one NDIR analyzer for carbon dioxide measurement. The test procedure is automated to the highest degree practical to minimize the potential for intentional fraud and/or human error.

Security lockouts The analyzers are programmed to trigger lockouts when abuse or tampering occur. Lockouts occur after any security system is tampered, failure to conduct or pass periodic calibration tests, or the data recording medium is full. The analyzer cannot be used until a Weber County I/M auditor has cleared the lockout. The analyzer automatically keeps an electronic record of all lockouts including the date of the lockout, the reason for the lockout, and the date and person that cleared the lockout.

Certified analyzer use restriction Since March 1, 2000, the Weber County Basic I/M program requires that official emissions tests be conducted only on registered, jointly certified UTAH2000 analyzers. There have been several updates of the UTAH2000 Analyzer specifications to date and more will follow, as necessary, to accommodate new technology vehicles and changes to the program.

8. Quality Control

General quality control specifications Weber County's I/M Program, the UTAH2000 Analyzer specifications, and current I/M program ordinances and regulations were carefully designed to insure that emission measurement equipment is calibrated and maintained properly, and that inspection, calibration records, and maintenance records are accurately created, recorded, and maintained. The specifications meet the test equipment quality assurance practices described in 40 CFR 51 Subpart S Sec. 51.359 and Section X, Appendix A.

Automatic electronic quality assurance features Operational analyzer quality assurance measures such as analyzer calibration, zero and span check, hydrocarbon hang-up check, and leak check are mandatory automatic analyzer capabilities. Gas accuracy tolerances, dilution limits, analyzer warm up requirements, system response time requirements, optical correction factors, and interference effects are also addressed in the analyzer specifications. If the checks are not performed on schedule or identify measurements outside of acceptable limits established in the specifications, a lockout occurs preventing use of the analyzer until such problems are corrected. See Sections 2.12, 2.13, and 2.18 of the UTAH2000 Analyzer specifications. Records of all quality assurance activities with respect to the analyzer are automatically recorded in the analyzer's electronic database and evaluated by Weber County I/M auditors on a regular basis. Section 1.7 discusses requirements for assurance that unauthorized access to the I/M database in the analyzer is secure. Attempts to deliberately avoid or defeat analyzer or inspection quality assurance provisions result in disciplinary action against the I/M mechanic and/or station.

Analyzer maintenance Section 1.8 of the UTAH2000 Analyzer specifications describes required services, warranty provisions, and documentation that analyzer manufacturers must provide to customers. It includes ensuring that the analyzer meets the quality

assurance specifications at the time of delivery, that routine quarterly preventative maintenance is performed, training on how to use, maintain, and operate the analyzer is provided by the manufacturer, and that if repair of defects can not be made promptly a temporary analyzer replacement is provided. Service activities are recorded in the analyzer's electronic database. Weber County has conducted a survey of analyzer owners to determine compliance with these provisions. Failure of an analyzer manufacturer to meet quality assurance specifications could result in de-certification of that manufacturer's product for use in Utah.

Document security Document security was a high priority during the UTAH2000 analyzer design phase. The analyzer tracks the unique certificate numbers and ensures that the printed certificate matches the test number. Missing certificate numbers are stored in the analyzer database for auditor review. The blank certificates are commercially printed on counterfeit-resistant security paper.

Analyzer certification Sound engineering practices were followed during the design and certification of the UTAH2000 analyzer to insure accurate and repeatable inspections under a range of environmental conditions. Manufacturer owner's manuals, operating instructions, and warranty provisions were also reviewed during the certification process. Comprehensive records of the certification process have been maintained.

Analyzer security provisions Weber County's I/M ordinance requires use of a certified and registered UTAH2000 analyzer for official inspections. Inspection records include the analyzer registration number. The ordinances and regulations make it illegal to alter analyzer software or hardware without written approval. Analyzer calibration requirements, maintenance, and warranty provisions are also specified in the Weber County I/M ordinance.

9. Waivers

Waiver rate Weber County will take corrective action as needed to maintain a maximum waiver rate of 5% of the initially failed vehicles or the Utah Air Quality Board will revise the SIP and emission reductions claimed based on the actual waiver rate. The conditions for issuing waivers legally authorized and specified in the Weber County I/M ordinance meets the minimum waiver issuance criteria specified in 40 CFR Subpart S 51.360.

Waiver procedures A waiver document may be issued only by Weber County I/M technical center staff and only after verification of required documentation. Any tampered, missing, or inoperable emission control devices must have been replaced or repaired. At least \$100 for 1968 through 1980 model year vehicles, \$200 for 1981 through 1995 and \$400.00 for 1996 and newer model year vehicles must have been spent on acceptable emission repairs as verified by a Weber County I/M program auditor by physical examination of the vehicle and review of the repair documentation. Repair documentation, such as receipts, are copied and retained by the auditor to prevent reuse. Weber County requires that emissions-related repairs be performed by a licensed auto repair business in order to count the labor costs. Any vehicle that experiences an increase

in all emissions levels is not eligible for an emissions repair waiver regardless of the amount spent to repair the vehicle. In the state of Utah, vehicles still under the federal emissions warranty are not eligible for a waiver until all warranties are exhausted. Warranted repair and tampering repair may not be applied to the repair cost waiver limits. Waivers are only valid for one test cycle. The vehicle owner surrenders the original waiver document at the time of registration; copies are not accepted for registration purposes. Specific provisions regarding waivers may be found in Weber County's I/M ordinance and the Utah State Tax Commission Division of Motor Vehicle policy manual that is available upon request. The I/M program in Weber County does not provide for time extensions to relieve economic hardships in obtaining emission-related repairs.

10. Motorist compliance enforcement

Registration denial Weber County's I/M program is enforced by means of registration denial. Vehicle owners must present proof of compliance with the I/M program, a waiver, or evidence of exemption from the I/M program as a condition precedent to vehicle registration or registration renewal. See sections 4 and 6 above for a more detailed discussion of inspection frequency, inspection scheduling, license plate requirements, and enforcement of the registration requirements. Citations are routinely issued to operators of vehicles with expired or missing license plates during routine traffic stops, parking lot inspections, and roadblocks. As specified in Section 41-1a-1303 of the Utah Code, driving without registration is a Class C misdemeanor. The penalty for a Class C misdemeanor is imprisonment of no more than 90 days and \$750 for persons or up to \$1000 for corporations, associations, partnerships, or government instrumentalities. In addition to paying a fine the motorist must register the vehicle. It is currently a Class B misdemeanor to violate a county I/M regulation or ordinance. The penalty for a Class B misdemeanor is imprisonment not exceeding six months and, for persons, a fine of up to \$1000 or, for corporations, associations, partnerships, or government instrumentalities, a fine of up to \$5000. In Utah, the magnitude of such penalties is a judicial rather than an administrative decision. Per Section 41-1a-1315 falsification of evidences of title and registration is a second degree felony.

Certificate of Compliance The Certificate of Compliance is dated by the UTAH2000 analyzer in Weber County immediately after a passing inspection is completed. The certificate is only valid for registration purposes for two months. At the same time the analyzer also prints the following information on the certificate to ensure unambiguous vehicle identification: the vehicle identification number (VIN), license number, model year, make, and model. A sample of the Certificate of Compliance is in Appendix C of the UTAH2000 specifications. The certificates are only printed in the event that the vehicle passed the emissions inspection. Separate documentation, including the same vehicle information, is used for waivers.

Fuel changes to non-subject status Vehicle changes that would result in registration changes from a subject to exempt status require physical confirmation by Weber County I/M program personnel at the I/M technical center. Falsification of registration or title information is a felony offense.

Title transfers Proof of compliance with the I/M program is required for a title transfer. The system ensures that owners are not able to avoid the program by extending the inspection date through manipulation of the title and registration system.

Weber County I/M program staff, peace officers, and the Utah State Tax Commission Motor Vehicle Customer Service Division routinely work together to ensure that motor vehicle owners that move into an I/M program area complete registration transfer including compliance with the I/M program. Except for higher education students and active duty military personnel, people are required to register their vehicles in the county in which they are domiciled. As discussed in the Vehicle Coverage section, although these two exempted classes of vehicle owners do not have to register their vehicles in Utah, they do have to comply with the I/M programs. Employment status, maintenance of a residence, enrollment of children in local schools, and voting districts are considered when identifying persons in violation of this requirement.

The Weber County I/M program staff work with citizens, the Motor Vehicle Customer Service Division and county attorneys to identify and prosecute people that illegally transfer registration to a non-subject area to avoid the I/M program. The process is very labor intensive. There are many legitimate reasons to be operating a vehicle in an I/M program area that is registered elsewhere. Violators must be dealt with on a case-by-case basis. Persons caught are subject to fines. Those prosecuted and convicted could end up with a criminal record and actual jail time. Fraudulent registration of a motor vehicle is a felony offense. To date, most people promptly comply when confronted with evidence of their guilt and the seriousness of their offense. The involved agencies are developing more efficient methods of dealing with illegal registrations that result in exemption from the I/M programs.

Weber County is committed to a cooperative aggressive effort to ensure that vehicles operated in the county comply with the I/M program to ensure a compliance rate of at least 95%.

11. Motorist compliance enforcement program oversight

Utah State Tax Commission, tax assessors, and county roles The Utah State Tax Commission Motor Vehicle Customer Service Division and county tax assessors deny application for vehicle registration or renewal of registration without submission of a valid certificate of compliance, waiver, or verified evidence of exemption. Proof is retained by the tax clerk, micro-photo-copied, and then destroyed. Altered or hand-written documents are not accepted. All certificate data is collected by Weber County I/M program auditors and subjected to scrutiny for evidence of any improprieties.

Database quality assurance The vehicle registration database is maintained and quality assured by the Motor Vehicle Customer Service Division. The I/M inspection database is maintained and quality assured by Weber County I/M program staff. See Appendix F of the UTAH2000 analyzer specifications for a file layout description. The Weber County

I/M program staff have access to the Motor Vehicle Customer Service Division database and use it on a regular basis for quality assurance purposes. The databases are subject to regular auditing, cross-referencing, and analysis.

Oversight provisions The oversight program includes verification of exempt vehicle status through inspection, data accuracy through automatic and redundant data entry for most data elements, an audit trail for program documentation to ensure control and tracking of enforcement documents, identification and verification of exemption-triggering changes in registration data, and regular audits of I/M inspection records, I/M program databases, and the Motor Vehicle Customer Service Division database.

Enforcement staff quality assurance I/M program auditors and tax clerks involved in vehicle registration are subject to regular performance audits by their supervisors. All enforcement personnel (direct and indirect) involved in the motorist enforcement program are subject to disciplinary action, additional training, and termination for deviation from procedures. Specific provisions are outlined in the Motor Vehicle Customer Service Division procedures manual, the county I/M audit policy documents contained in the Weber County I/M ordinances, and Section 3.9 of the UTAH2000 analyzer specifications.

Co-operative enforcement oversight effort Motor Vehicle Customer Service Division, Utah Division of Air Quality, Utah highway patrol, and Weber County I/M program staff meet as needed to ensure on-going high quality oversight of joint motorist compliance program. EPA audit of this process is authorized if measures to protect taxpayer confidentiality acceptable to Motor Vehicle Customer Service Division are exercised.

12. I/M Program quality assurance

Station/inspector audits Weber County regularly audits all permitted I/M inspectors and stations to ensure compliance with the Weber County I/M ordinance. Particular attention is given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with record keeping, document security, analyzer maintenance, and program security requirements are scrutinized. The inspector's skill level is also evaluated during audits. Another major purpose of the audits is to retrain inspectors, as necessary, as soon as problems are identified. Documentation sufficient to support a legal case to suspend or revoke a permit is also collected in the event of serious and/or repeated violations. Stations and inspectors are audited quarterly.

Covert audits Weber County, to the extent possible, performs a covert audit of each inspector and station at least once a year. The number of covert audits at least equals the number of permitted inspectors. Covert audits are performed using a variety of vehicles that are representative of the subject fleet that are set to fail across a full range of malfunctions. Suspected problem stations and inspectors are targeted for earlier and more frequent audits. Complaints also trigger additional audits.

Covert performance audits shall include:

Remote visual observation of inspector performance, which may include the use of aids such as binoculars or video cameras, at least once per year per inspector in high-volume stations (i.e., those performing more than 4000 tests per year);

Site visits at least once per year per number of permitted inspectors (per inspector FTE) using covert vehicles set to fail (this requirement sets a minimum level of activity, not a requirement that each inspector be involved in a covert audit); and

For stations that conduct both testing and repairs, at least one covert vehicle visit per station per year including purchase of repairs and subsequent retesting if the vehicle is initially failed for tailpipe emissions.

Electronic audit capabilities The UTAH2000 performs various analyses to identify statistically inconsistent data indicative of problem stations and inspectors. Overt audit records are maintained electronically in the UTAH2000. After overt audits the auditor retrieves the data containing the audit, vehicle inspection, and analyzer service, maintenance, and calibration records dating back to the previous audit. The data from each audit is added to the comprehensive central county I/M database. Further analysis of the central database results in identification of stations and inspectors for which additional audits are performed.

Auditor quality assurance Auditors receive on-the-job training in: the use of the UTAH2000 analyzer; the I/M program regulations; basic air pollution control; basic principles of emissions-related motor vehicle engine repair; emission control systems; evidence gathering; administrative procedures and laws; quality assurance practices; and covert audit procedure. Weber County sends auditors to additional automotive emissions-related training and meetings on a regular basis. Auditor supervisors audit the I/M program auditors by reviewing their documentation and also auditing a number of their stations at least once every year.

Written audit procedures The Weber County I/M program overt and covert audit procedures are contained in the Weber County I/M ordinances. A detailed description of the audit capabilities of the UTAH2000 analyzer are found in Section 3.9 of the UTAH2000 analyzer specifications.

13. Enforcement against stations and inspectors

General enforcement provisions The Weber County I/M program is responsible for enforcement action against incompetent or dishonest stations and inspectors. The Weber County I/M ordinance includes a penalty schedule. For serious or repeated offenses, auditors are authorized to immediately suspend the station or inspector by locking out their UTAH2000 analyzer(s). The County does not have legal authority to impose direct fines on stations or inspectors, but suspension or revocation of a station permit results in a substantial loss of income that is far in excess of \$100 fine suggested by the EPA

guidance. Station fee settlements are based on 50% of the expected revenue from I/M testing during the suspension, up to a maximum of \$3,000. Fee settlements for the inspectors are \$100 for any portion of a 15-day period, up to a maximum of \$500. A station permit may be suspended or revoked even if the owner/operator had no direct knowledge of the violation. In the case of incompetence, re-training is required before the permit is restored.

The County revised its penalty schedule to comply with the more stringent specifications included in 40 CFR 51.364; it is found in Appendix D of Weber County's regulation. Inspector suspensions may not be reduced by more than 75 days through a negotiated fee settlement.

Suspension and revocation Suspension or revocation effectively bars an individual from further inspections because the auditor removes the inspector's authorization code from the UTAH2000 analyzer. Evidence of indirect participation in emissions inspections by an individual while suspended or revoked could result in legal action against the station. If the station is suspended or revoked the analyzer is totally locked-out. The analyzers are initialized by an auditor for use at a single permitted station and only by inspectors permitted for that station. A record of the serial numbers of all registered analyzers and their locations is maintained by Weber County.

Enforcement records Weber County keeps comprehensive records on all audit activities, warnings, suspensions, and revocations and report enforcement activity statistics to the EPA and the executive secretary on an annual basis.

14. Data collection

I/M data collection Weber County maintains records regarding inspections, equipment maintenance, and the required quality assurance activities.

Analyzer inspection data The UTAH2000 analyzer creates a detailed record of each emissions inspection performed including, but not limited to the following data, for each vehicle tested: test record number; inspection station number; inspector number; test system number; date of the test; emission test start time; the time final emission scores are determined; vehicle identification number (VIN); license plate number; test certificate number; gross vehicle weight rating (GVWR); model year, make, and type of vehicle; number of cylinders or engine displacement; transmission type; odometer reading; category of test performed (i.e., initial, first retest, or subsequent retest); fuel type of the vehicle; emission scores for HC, CO, and CO₂ at idle and 2500 RPM; and results (pass/fail/not applicable) for visual inspection of the catalytic converter, air system, gas cap, evaporative system, and positive crankcase (PCV) valve. The tailpipe emission standards for each vehicle type are included in a look-up table in the UTAH2000 analyzer. The UTAH2000 analyzer automatically uses appropriate standards for the type of vehicle being tested and makes a pass/fail determination. The UTAH2000 analyzer records the inspection data during the inspection procedure.

Analyzer quality assurance data Quality assurance data including a detailed history of all calibration (including the concentration values of the calibration gases), service, lockout, and document security events are also recorded and maintained by the UTAH2000 analyzer. Each UTAH2000 record includes, as applicable, station number, mechanic access number, auditor access number, service access number, analyzer serial number, date, and activity time.

Analyzer database specifications The programming criteria for the analyzer database are described in Section 3 of the UTAH2000 analyzer specifications. Appendix A of the UTAH2000 analyzer specifications contains a complete description of the electronic data records. The data containing inspection and quality assurance information is transferred electronically nightly and maintained permanently in the county's central I/M database.

15. Data analysis and reporting

Annual Reports Weber County shall analyze I/M program data and submit annual reports to the U.S. Environmental Protection Agency and the executive secretary upon request. Weber County will submit to EPA and the executive secretary an annual report, for January through December of the previous year, which provides statistics on the testing, quality assurance, and enforcement activities of each I/M program. At a minimum the annual reports will include all of the data elements listed 40 CFR Subpart S 51.366.

Data link Weber County requires all certified station owners to provide a computer data link between their station(s) and the Weber County health department in a manner approved by the health department and consistent with the requirements of 40 CFR 51 Subpart S.

16. Inspector training and permitting

Inspector permitting and initial training No person may conduct an official I/M inspection unless they are certified and subsequently permitted. Weber County requires formal training prior to certifying inspectors. Each class includes at least the following information: the causes and effects of air pollution; the purpose, function, and goal of the I/M program; I/M inspection ordinances, policies, and procedures; technical details of the test procedures and the rationale for their design; emission control device function, configuration, and maintenance; quality control procedures and their purposes; public relations; and safety and health issues related to the I/M inspection process. Inspector candidates will not be issued a permit unless they have passed a written test with at least 70% correct responses and a hands-on test during which the trainee demonstrates the ability to properly conduct all test procedures, calibrate the UTAH2000 analyzer, properly utilize equipment, and to follow other I/M program requirements. Weber County takes appropriate steps to insure the security of the testing process.

Inspector Training The Weber County I/M ordinance requires an inspector training program, to include both classroom and hands-on training, with provisions for initial and periodic in-service training. Weber County requires in house training for each inspector

before the inspector may perform inspections periodic in-service training, over a period established by the health department.

Inspector permit renewal Inspector permits are valid for a period of one year, at which point refresher testing is required prior to permit renewal. An auditor enters the inspector's permit expiration date in the UTAH2000 analyzer(s) that the inspector is authorized to use. Starting 60 days prior to the inspector's permit expiration date the analyzer displays the message "Your mechanic permit expires MM/DD/YY". The analyzer locks-out inspectors that attempt to use the UTAH2000 analyzer after their permit expires and displays the following message. "Your mechanic permit expired (date). You are not authorized to perform any emissions inspections at this time. Please contact your local I/M office." Auditors will not clear the lock-out until the inspector has renewed the permit. Weber County may require evidence of more comprehensive emissions-related automotive training as a prerequisite to inspector permit renewal.

Inspector permit suspension and revocation A determination of inspector incompetence or failure to comply with I/M program requirements may result in suspension or revocation of an inspector's permit prior to the annual expiration date. A permit to conduct I/M inspections is not a legal right but rather a privilege bestowed by Weber County conditional upon adherence to its I/M program requirements.

Inspector training authority and materials Authority to require mandatory I/M inspector training is established and described in the Weber County I/M ordinances.

17. Public information and consumer protection

General public information Weber County, along with the Utah Department of Environmental Quality, provides a comprehensive public education and protection program including strategies to educate the public on: Utah's air quality problems; ways that people can reduce emissions; the requirements of state and federal law; the role of motor vehicles in the air quality problem; the need for and benefits of a vehicle emissions inspection program; ways to operate and maintain a vehicle in a low-emission condition; how to find a qualified repair technician; and the requirements of the I/M program. Information is provided via direct response to inquiries for information, reports, classes, pamphlets, fairs, school presentations, workshops, news releases, posters, signs, and public meetings.

County I/M Technical Center Weber County operates an I/M Technical Center staffed with trained auditors and capable of performing emissions tests. A major function of the I/M technical center is to serve as a referee station to resolve conflicts between permitted I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints made on a confidential basis are investigated and resolved in a manner that conceals the person's identity to ensure protection of whistle blowers. Auditors advise motorists regarding emissions warranty provisions and assist the owners in obtaining warranty-covered repairs for eligible vehicles. Applications for waivers are evaluated by auditors

at the I/M technical center and issued only after visual verification that all the requirements for a waiver have been met, including retest of the vehicle. The I/M technical centers also provide motorists with information regarding the I/M program, general air pollution issues, and emissions-related automotive repairs.

Vehicle inspection report A vehicle inspection report (VIR) is printed and provided to the motorist after each vehicle inspection. A description of the VIR is included in the UTAH2000 analyzer specifications.

I/M county co-operative public education tools A variety of pamphlets and radio, television, and newspaper advertisements about automotive air pollution issues are developed and distributed by the Weber County I/M program in cooperation with other I/M counties and the Utah Division of Air Quality.

18. Improving repair effectiveness

High priority Weber County (along with other I/M counties) and the Utah Division of Air Quality staff jointly identified improvement of repair effectiveness as a high priority action item. The Governor's Clean Air Commission also recommended making affordable additional emissions-related training available. Full emission reductions will only be realized if the repair industry is able to competently diagnose and repair emissions-related defects.

Continuing education I/M program managers have worked with Utah's higher education institutions to develop and provide emissions-related automotive technology classes to mechanics. Inspectors are also encouraged to take classes offered by trade organizations, automobile manufacturers, and dealers. The permit renewal tests are difficult enough to make this provision a good incentive. The classes are advertised in the Weber County I/M technical bulletins.

I/M program repair support activities In initiating improved automotive educational opportunities, Weber County works on a day-to-day basis to ensure that repair information is available. I/M stations are required to have available up-to-date relevant automotive diagnostic references and tools as a condition for obtaining a permit. Weber County maintains a hot line to its I/M technical center so that any mechanic can call for technical assistance related to vehicle inspection, diagnosis, and repair. Technical bulletins are regularly mailed to each permitted station with information regarding training schedules, common problems found with particular engine families, and diagnostic tips.

19. I/M SIP implementation

The I/M program ordinances or regulations, policies, procedures, and activities specified this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act as amended.

WEBER-MORGAN HEALTH DEPARTMENT

Regulation for

**MOTOR VEHICLE
INSPECTION AND MAINTENANCE PROGRAM**

Adopted by the Weber-Morgan Board of Health

May 22, 2000

Amended May 12, 2003

Under Authority of Section 26A-1-121, 41-6-163.6 and 41-6-163.7
Utah Code Annotated, 1953, as amended

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1.0 TITLE AND DEFINITIONS

These standards shall be known as the Motor Vehicle Inspection and Maintenance Program Regulation, hereinafter referred to as "this Regulation."

For the purpose of this Regulation, the following words and phrases, when used herein, except as otherwise required by the context, have the following meanings.

1.1 "**Accreditation**" means Certification that the Analyzer and Analyzer manufacturer meet the operating criteria, specifications and requirements of Weber County and the Department;

1.2 "**Accuracy**" means the degree by which an instrument is able to determine the true concentration of pollutants of interest-Also means freedom from error especially as a result of care ;

1.3 "**Air Intake Systems**" means systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;

1.4 "**A.I.R. (Air Injection Reaction) System**" means a system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of hydrocarbons (HC) and carbon monoxide (CO) gases and to assist catalytic reaction;

1.5 "**Analyzer**" See definition for UTAH2000 Analyzer;

1.6 "**Audit**" means a procedure performed by Department personnel which includes but is not limited to, inspection of the I/M Program station, review of Station records, inspection of Analyzer and related I/M Program equipment, review of personnel working knowledge and records. The audit procedure is intended to ensure compliance with this Regulation and Department policies and procedures;

1.7 "**BAR 97**" Refers to California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, which became effective in 1997;

1.8 "**Basic Engine Systems**" means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to valve train mechanisms, cylinder head to block integrity, pistonring-cylinder sealing integrity and post-combustion emissions control device integrity meeting OEM Standards;

1.9 "**Bench**" means the main sample processing assembly of the exhaust gas Analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply;

- 1.10 **“Board of Health”** means the Weber-Morgan Board of Health;
- 1.11 **“Calibration”** means the process of establishing or verifying the accuracy of an exhaust gas Analyzer to perform an accurate and consistent evaluation of engine exhaust using calibration gases having precisely known concentrations;
- 1.12 **“Calibration [Span] Gases”** means gases of known concentration that are used as references for establishing or verifying the calibration curve of an exhaust gas Analyzer and which are traceable to the National Institute of Standards and Technology and are approved by the Department for use;
- 1.13 **“Carbon Monoxide”** A colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon monoxide may be referred to in these Regulations as CO;
- 1.14 **“Catalytic Converter”** A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;
- 1.15 **“Certificate of Compliance”** means a serially numbered document issued to the owner of a motor vehicle upon passing an inspection or reinspection and is evidence that the motor vehicle complies with the standards and criteria of this Regulation and other requirements as adopted by the Board of Health;
- 1.16 **“Certificate of Compliance Numbers”** means numbers issued to I/M Program Stations, and entered into the approved Analyzer for the purpose of issuing Certificates of Compliance;
- 1.17 **“Certificate of Waiver or Waiver”** means a document, issued by the Department used to verify that the vehicle for which it was issued has met the waiver requirements of this Regulation;
- 1.18 **“Certification”** means assurance by an authorized source, whether it be a laboratory, the manufacturer, the state, or the Department, that a specific product or statement is in fact true and meets all requirements;
- 1.19 **“Certified Emission Tester or Tester”** means an individual who has successfully completed all certification requirements and has been issued a current, valid Emission Tester Certificate of Qualification by the Department;
- 1.20 **“Certified Emissions Repair Technician or Technician”** means an individual who has successfully completed all certification requirements and has been issued a current, valid Emission Repair Technician Certificate of Qualification by the Department. A person certified by the Department who inspects vehicles, diagnoses emission related faults, and supervises or performs emissions related repairs and adjustments to bring vehicles into compliance with

the requirements of this Regulation;

1.21 **“CO”** see Carbon Monoxide;

1.22 **“Compliance”** means verification that certain data and hardware submitted by a manufacturer for accreditation consideration, meets all Department requirements; Also meeting the requirements of this Regulations;

1.23 **“County”** means Weber County, Utah;

1.24 **“Curb Idle”** means the manufacturer’s specified idle speed for the specific motor vehicle being tested (See also **“Idle Mode”**);

1.25 **“Cut-Points”** Same as Emission Standards;

1.26 **“Department”** means the Weber-Morgan Health Department, Division of Environmental Health;

1.27 **“Director”** means the Environmental Health Division Director of the Weber-Morgan Health Department or his authorized representative;

1.28 **“Domiciled”** means County in which primary residence is located;

1.29 **“E.G.R. System (Exhaust Gas Recirculation System)”** means an emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers;

1.30 **“Emissions”** means substances expelled into the atmosphere from a motor vehicle; particularly, air contaminants produced by combustion and/or incomplete combustion hydrocarbon evaporation from the fuel system and/or the crankcase, and particulate matter from the crankcase;

1.31 **“Emissions control systems”** means any device or combination of parts, originally installed by the manufacturer to control the emissions of a motor vehicle;

1.32 **“Emission Inspection or Inspection”** means a motor vehicle inspection performed for the purpose of determining whether the vehicle qualifies for issuance of a Certificate of Compliance or Certificate of Waiver, carried out in compliance with this Regulation;

1.33 **“Emission Repair or Repair”** means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emission inspection;

1.34 **“Emission Repair Technician Certificate of Qualification”** means a certificate issued by the Department authorizing an individual to conduct

emission inspections, repair failed vehicles and issue Certificates of Compliance while under the auspices of a I/M Program Station;

1.35 **“Emissions Standards (Cut-Points)”** means the maximum allowable concentration of regulated emissions for a given weight class and model year of a motor vehicle, as determined by the Board of Health using an approved Analyzer;

1.36 **“Emission Test”** means that portion of the Emission Inspection procedures where the engine exhaust gasses, from the tailpipe of the vehicle being inspected, are tested to determine whether a vehicle produces emissions in excess of the Emissions Standards and/or an OBD IM test procedure;

1.37 **“Emission Tester Certificate of Qualification”** means a certificate issued by the Department authorizing an individual to perform emission inspections and issue certificates of compliance while under the auspices of a I/M Program Station;

1.38 **“Engine Switching”** means an engine is removed from a vehicle and is replaced by an engine that is not identical to the original engine;

1.39 **“Engine Verification”** means a document issued by the Department for the use of Kit Cars and Replica Vehicles only, validating engine size and year, for the purpose of inspecting the vehicle for the year of the engine instead of the year of the vehicle;

1.40 **“EPA”** means the United States Environmental Protection Agency;

1.41 **“Evaporative control system”** means an emission control system that prevents the escape of fuel vapors from the fuel system and/or air cleaner and stores them to be burned in the combustion chamber;

1.42 **“Exhaust Gas Analyzer”** means an instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gases emanating from a motor vehicle when approved by the Department for use in accordance with this Regulation as an official test instrument;

1.43 **“Federal Installation”** means any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government;

1.44 **“Fleet Facility”** means a cooperation or other business entity permitted by the Department to perform the functions of the inspection program for a privately owned fleet of ten or more motor vehicles, including emissions related repairs, as well as the inspection;

1.45 **"Fuel Control Systems"** means the mechanical, electro mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.46 **"Gaseous Fuel"** means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.47 **"HC"** means hydrocarbons;

1.48 **"Hangup"** means hydrocarbons that cling to the surface of the sampling and Analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings;

1.49 **"Heavy Duty Vehicles"** means a vehicle 1978 and older with a weight of more than 6000 pounds or 1979 and newer with a weight of more than 8501 pounds GVW (gross vehicle weight);

1.50 **"Hydrocarbons"** means unburned fuel;

1.51 **"Idle Mode"** means a condition where the vehicle's engine is at proper operating temperature and running at the rate specified by the manufacturer's cub idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition achieved without placing a load on the vehicle to decrease its RPM to the specified rate(See also **Curb Idle**);

1.52 **"Ignition Systems"** the means parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.53 **"I/M Clearance"** means a stamp placed on the motor vehicle registration form by an employee of the Utah State Motor Vehicle Office or the Department indicating that the motor vehicle represented by the registration form is in compliance with the inspection program requirements in that the motorist has presented a valid Certificate of Compliance or Certificate of Waiver for the motor vehicle and paid applicable fees;

1.54 **"I/M Program"** means the Vehicle Emissions Inspection and Maintenance Program established by the County Board of Health and this Regulation;

1.55 **"I/M Program Test and Repair Station"** means a business permitted by the Department which engages in emissions testing and emissions related repairs to motor vehicles, and which meets the requirements of this Regulation for test and repair facilities;

1.56 **"I/M Program Test Only Station"** means a business permitted by the Department which engages only in emissions related inspections of motor vehicles, and which meets the requirements of this Regulation for test only facilities;

1.57 **"Inspection Area"** means the Department approved area that is occupied by the Analyzer, sample hose, and the vehicle being inspected;

1.58 **"Inspection Report"** means a document used to record information generated by the Tester/Technician during an emissions inspection other than a Certificate of Compliance;

1.59 **"Instrument"** means the complete UTAH2000 Analyzer system that samples and displays the concentration of emission gases and also performs OBD IM test procedures. The instrument includes the sample handling system, the exhaust gas Analyzer associated computer equipment and the enclosure cabinet;

1.60 **"Kit Car"** means a fully assembled custom motor vehicle containing all of the needed components for assembly (i.e. , body, chassis, engine, and transmission);

1.61 **"Light Duty Motor Vehicle"** means all passenger vehicles, 1978 and older; light duty trucks 6000 GVW rating or less; 1979 trucks and newer 8500 pounds GVW rating or less;

1.62 **"Lock-Out"** means when the UTAH2000 Analyzer automatically prohibits access to the testing portion of the UTAH2000 Analyzer;

1.63 **"Motor Vehicle or Vehicle"** means any equipment or mechanical device propelled primarily on land by an internal combustion powered engine which is driven on public roads and/or streets. Motor vehicles exempted from the inspection requirements of this Regulation as listed in Section 6.6 of this Regulation;

1.64 **"Motorcycle"** means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a farm tractor;

1.65 **"Non-Certified Tester/Technician"** means any person who has not been certified by the Department to perform official emissions inspections;

1.66 **"OBD"** means Vehicle On-Board Diagnostics;

1.67 **"OBDII"** means Updated On-Board Diagnostics Standard effective in 1996 and newer light duty car and light duty trucks sold in the United States;

1.68 **"OEM"** means Original Equipment Manufacturer;

1.69 **"Off-Highway Vehicles"** means a vehicle licensed to operate exclusively off public highways and roads;

1.70 "**Original Condition**" means the condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.71 "**PCV System (Positive Crankcase Ventilation System)**" means and emissions control system which returns crankcase vapors and blowby gases to the combustion chamber to be burned;

1.72 "**Permit**" means the document issued by the Department that authorizes a person to operate an I/M Program Station;

1.73 "**Person**" means an individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof;

1.74 "**Prompts**" means instructions and/or data fields, requiring data input to the Analyzer from a Tester/Technician performing an emission inspection;

1.75 "**Publicly-Owned Vehicles**" means a motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.76 "**Readiness**" means codes set by the OBD system that indicate a vehicle readiness to be OBD tested;

1.77 "**Registered or Registration**" means the process by which a motor vehicle receives a license so that it can be legally operated on public streets and highways;

1.78 "**Reinspection**" means any emission inspection performed on a motor vehicle after it has failed an emissions inspection and repair and/or adjustment has been attempted;

1.79 "**Repeatability**" means the instrument's capability to provide the same value, within specified tolerances, for successive measurements of the same sample;

1.80 "**Response Time**" means the period of time, in seconds, for an instrument to measure and display a pollutant concentration after a concentration of gases is introduced or removed from the sample probe;

1.81 "**Safety Inspection**" means an evaluation of a vehicle's relative safety as required by 41-6-158 U.C.A., 1953;

1.82 "**Smoker**" means a motor vehicle emitting visible emissions after the engine has reached normal operating temperature;

1.83 “**Stabilization**” means the process of bringing an instrument into equilibrium with the ambient environment and operative conditions;

1.84 “**Station**” means and I/M Program Station including all station personnel, employees, and owner(s);

1.85 “**Tampering**” means the intentional or accidental altering of or removal of emission control devices, and/or emissions-related equipment. Also, the use of fuels other than those required by the manufacturer’s specification as found in the motor vehicles’s owners manual. Also, engine modifications which may include, but is not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications, engine switching, etc;

1.86 “**Technical Bulletin**” means a document issued to Tester/Technicians and/or I/M Program Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emission Inspection and Maintenance Program;

1.87 “**Tester/Technician**” means a Department Certified Emission Tester or Department Certified Emissions Repair Technician;

1.88 “**Training Program**” means a formal program administered, conducted, or approved by the Department for the education of Testers/Technicians in basic emission control technology, inspection procedures, diagnosis and repair of emission related problems, Vehicle Emissions Inspection and Maintenance Program policies, procedures and this Regulation; it may also include the promotion of training for all mechanics;

1.89 “**UTAH2000 Analyzer or Analyzer**” means the official computerized engine exhaust analyzer and associated test equipment approved by the Department for use in the areas of Utah requiring inspections as specified in Section 41-6-163.6 and 41-6-163.7, Utah Code Annotated, 1953, as amended;

1.90 “**Vehicle Emissions Inspection and Maintenance Program**” means the program established by the Board of Health pursuant to Section 41-6-163.6, Utah Code Annotated 1953, as amended and Weber County Ordinance 14-4-1;

1.91 “**Waiver Referral**” means a document prepared and signed by an Tester/Technician used in the Vehicle Emissions Inspection and Maintenance program to certify that the vehicle has qualified to seek a waiver which may be issued by the Department;

1.92 “**Waiver**” see Certificate of Waiver.

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Weber County by requiring annual inspection of in-use motor vehicles and by requiring emission related repairs and adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote the public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with Federal Regulations contained in the Clean Air Act of 1970, 42 USC 7401-7671: and the amendments to the Act, Amendments of 1977, PL 95-190; and Amendments of 1990, PL 101-549;

2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6-163.6 and 41-6-163.7 Utah Code Annotated, 1953, as amended; and

2.5 Comply with Weber County Ordinance 14 Chapter 4, Implement Emissions Inspection, Sections 1 through 6.

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Section 14-4-3 of the Weber County Ordinance the Weber County Commission authorizes and directs the Weber-Morgan Board of Health and the Director of Health to adopt and promulgate rules and regulations to ensure compliance with EPA and State requirements with respect to Emission Standards and delegates its authority as an administrative body "under 41-6-163.6 U.C.A., 1953, as amended, to the Weber-Morgan Board of Health, to address all issues pertaining to the adoption and administration of the Vehicle Emission I&M Program. Authorizes a one dollar fee to be assessed upon every motorized vehicle registered in Weber County at the time of registration, to be known as the Air Pollution Control Fee.

3.2 Section 14-4-4 of the Weber County Ordinance, directs the Weber-Morgan Health Department to adopt regulations and set fees for I&M Stations and Mechanic Permits and Emission and Waiver Certificates as necessary to sustain and operate an I&M Program.

3.3 The Weber-Morgan Board of Health is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.

3.4 The Weber-Morgan Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(ii) of the Utah Code Annotated, 1953 as amended.

3.5 All aspects of the Vehicle Emissions Inspections and Maintenance Program within Weber County enumerated in Section 2.0 shall be subject to the direction and control of the Weber-Morgan Health Department.

4.0 POWERS AND DUTIES

4.1 General Powers and duties. The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Require the submission of information reports, plans and Specifications from I/M Program Stations, and as necessary to implement the provisions and requirements of this Regulation;

4.1.2 Issue permits, certifications and charge fees as necessary to Implement this Regulation;

4.1.3 Perform audits of any I/M Program Station and Tester/Technician and issue orders and/or notices, hold hearings, levy administrative penalties and negotiate consent agreements as necessary to effect the purposes of this Regulation;

4.1.4 When necessary take samples and make analysis to ensure that the provisions of this Regulation are met; and

4.1.5 Adopt policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished.

4.2 Suspension, Revocation, or Denial of Permits. The Department may suspend, revoke or deny a Permit of an I/M Program Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the Permit and unused Certificates of Compliance and other official documents of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate of Compliance by I/M Program Station personnel who did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Regulation;

4.2.2 A vehicle was inspected and rejected by the station when, it can be proven, as determined by the Department that the vehicle was in such condition that it did comply with the requirements of this Regulation;

4.2.3 A vehicle was inspected and issued a Certificate of Compliance when it can be proven, as determined by the department that the vehicle did not at the time of inspection comply with the requirements of Section

9.10 regarding tampering inspection;

4.2.4 A vehicle was passed and issued a Certificate of Compliance without being present for inspection or another vehicle was probed for the gas analysis during the two speed idle test;

4.2.5 The station is not open and available to perform Inspections during a major portion of the normal business hours- of 8:00 a.m. to 5:00 p.m., Mondays through Fridays,(except I/M Program stations which test only their own vehicles);

4.2.6 The station has violated any provisions of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.7 The station was or is not equipped as required by Section 8.0 of this Regulation;

4.2.8 The I/M Program Station is not operating within the property boundaries as of the location specified on the Permit;

4.2.9 An official inspection was done by a Non-Certified Tester/Technician or a Non-Certified Tester/Technician has gained access to the official testing portion of the Analyzer or a Non-Certified Tester/Technician has signed a Certificate of Compliance or other official testing document;

4.2.10 The approved Analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Analyzer or the test vehicle has been altered or tampered with in any way so that it will either pass or fail the emissions test when it would not otherwise;

4.2.11 The I/M Program Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.12 The I/M Program Station denies access to or conceals pertinent information from a representative of the Department during an audit or while conducting other necessary business during regular business hours;

4.2.13 The I/M Program Station performed unnecessary repairs not justified by the results of the inspection;

4.2.14 In accordance with 41-6-163.6 and 41-6-163.7 U.C.A., 1953, As amended, an emissions inspection for a Salt Lake, Utah, Davis or Weber County resident was performed but not as required by the Regulations adopted by the applicable county and/or the UTAH2000 Analyzer prompts;
or

4.2.15 A Tester/Technician employed at an I/M Program Station, and authorized to conduct emission inspections, who violates any of the provisions of Section 4.3.

4.3 Suspension, Revocation, or Denial of Certificates. The Department may suspend, revoke, or deny the Certificate of Qualification of a Tester/Technician and require the surrender of the Tester/Technician Certificate of Qualification upon showing that:

4.3.1 The Tester/Technician caused any of the violations listed in section 4.2 to occur;

4.3.2 The Tester/Technician issued or caused a Certificate of Compliance to be issued to an owner/operator without an approved inspection being made;

4.3.3 The Tester/Technician denied the issuance of a Certificate of Compliance to the owner/operator of a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate;

4.3.4 The Tester/Technician issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;

4.3.5 The Tester/Technician inspected, recorded and passed the tampering inspection, for a vehicle that did not, at the time of inspection, comply with the tampering requirements of the tampering inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not;

4.3.6 Inspections were performed by the Tester/Technician but not in accordance with applicable policies, procedures, technical bulletins, and this Regulation;

4.3.7 The Tester/Technician allowed a Non-Certified Tester/Technician to perform an inspection or gain access to the official testing portion of the Analyzer;

4.3.8 The Tester/Technician signed an inspection or certificate stating that he had performed the emissions test when, in fact, he did not;

4.3.9 The Tester/Technician signed a certificate prior to a test being performed and the certificate printed by the dedicated printer;

4.3.10 The Tester/Technician falsified any inspection or official document

of the Vehicle Emissions Inspection and Maintenance Program;

4.3.11 The Tester/Technician performed unnecessary repairs not justified by the results of the inspection; or

4.3.12 In accordance with Sections 41-6-163.6 and 41-6-163.7 U.C.A., 1953, as amended, an emissions inspection for a Weber, Salt Lake, Davis or Utah County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county.

4.4 Administrative Penalty: in lieu of suspending a Permit under Sections 4.2 and 4.3 the Department may impose an administrative penalty such as a negotiated monetary penalty by means of a consent agreement.

4.5 The Department shall respond, according to the policies and procedures this regulation, to public complaints regarding the fairness and integrity of inspections they receive, shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate. To challenge the results of an inspection or reinspection, a motorist must present his or her vehicle within 2 days (excluding Saturday, Sunday and Holidays) of the inspection being challenged for another emissions inspection at the Weber County Technical Center.

4.6 The Department is authorized to take any and all necessary measures to ensure or facilitate a smooth transition from the UTAH91 Analyzer testing program to the new UTAH2000 Analyzer testing program required by this Regulation. Such measures may include, but shall not be limited to the following:

4.6.1 Extending the period of time that a UTAH91 Analyzer may be used to perform an official inspection beyond the mandatory date for use of the UTAH2000 Analyzer as specified in Section 7.0 of this Regulation;

4.6.2 Permitting the use of the UTAH2000 Analyzer to perform official emissions tests prior to the mandatory date as specified in Section 7.0 of this Regulation;

4.6.3 Extending the period of time that the two speed idle test can be substituted for compliance when 1996 and newer motor vehicles fail the OBD IM test procedures;

4.6.4 Modify OBD IM test procedures when necessary and may include the temporary suspension of the OBD testing requirement; and

4.6.5 Only the Department may exempt vehicles from the OBD test requirements of this Regulation.

5.0 SCOPE

It shall be unlawful for any person not to comply with any policy, procedure, technical bulletin, regulation or ordinance promulgated by the County and/or the Department unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exceptions described in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles of model years 1968 and newer that are owned and/or operated by person domiciled in Weber County, shall be subject to an annual or biennial emission inspection performed by an I/M Program Station or other entity approved by the Department. Registration of a vehicle owned and operated by a Weber County resident in a County other than Weber is a violation of this Regulation. Fraudulent registration of a vehicle as a farm truck, diesel, or other exempted vehicle is also a violation of this Regulation.

6.1 Beginning 1 January 1992 a Certificate of Compliance, Certificate of Waiver or evidence that the motor vehicle is exempt from the Inspection and Maintenance Program requirements (as defined in section 6.4) shall be presented to the Weber County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See section 6.8.2) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle. Certificates of Compliance from other EPA approved I/M Programs may be accepted, if approved by the Director, provided those I/M Programs are equally effective in reducing emissions.

6.2 A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of six months as specified in Section 41-3-28.5, Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.

6.3 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the Vehicle Emissions Inspections/Maintenance program requirements in accordance with this Regulation on an annual or biennial basis pursuant to a schedule determined by the Department. Federally-owned vehicles and vehicles of employees regularly operated on a federal installation located in the county that do not require registration in the State of Utah shall comply with the emissions testing requirements on an annual or biennial basis pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act (1990 amendment).

6.4 Vehicle Exemption. The following vehicles are exempt from the annual or

biennial emissions inspection:

6.4.1 Any motor vehicle of model year 1967 or older;

6.4.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption Section 41-6-163.6, Utah Code Annotated, 1953, as amended;

6.4.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.4.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.4.5 Any vehicle that operates exclusively on diesel fuel or electricity;

6.4.6 Any new motor vehicle being sold for the first time that has a valid (Manufacturer's Statement of Origin) (MSO) form;

6.4.7 Any vehicle with an engine smaller than forty (40) cubic inch displacement (655 cc); and

6.4.8 Tactical military vehicles.

6.5 It shall be the responsibility of the Tester/Technician to determine if a motor vehicle is exempted from Section 6.6 of this Regulation when presented to the Tester/Technician for an inspection. It shall be the Tester/Technicians responsibility to inform the owner/operator of the vehicle that the vehicle is not required to have an inspection for vehicle registration purposes.

6.6 Official Signs.

6.6.1 All I/M Program Stations, except those stations authorized to inspect only their own motor vehicles such as fleet facilities, shall display in a conspicuous location on the premises an official sign provided and approved by the Department.

6.6.2 The emissions standards, as promulgated under authority of Section 12.0 and Appendix C of this Regulation shall be posted in a conspicuous place on the station's premises.

6.6.3 The station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection.

6.6.4 The signs required by Sections 6.8.1, 6.8.2, and 6.8.3 shall be

located so as to be easily in the public view.

6.7 Equipment Available for Inspection.

6.7.1 Required tools, materials, publications (see Section 8.1.4.3) supplies, records, unused Certificates of Compliance, other required forms, records of completed inspections, a complete copy of this Regulation, and duplicate copies of Certificates of Compliance issued shall be kept at the station at all times and shall be available for inspection and collection by the Department at any time the station is open for business.

6.7.2 A periodic inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station. As part of the periodic inspection and audit of the I/M Program Station the Department representative shall, as applicable, perform a gas calibration and leak check of each certified Analyzer, examine leak check and gas calibration records, and examine inspection records and Certificates of Compliance, as well as other required reports, forms, or records to see that the use of these items is in compliance with this Regulation and the policies and procedures of the Department.

6.7.2.1 During the time of the inspection and audit by the Department, the Department representative shall have exclusive access to the approved testing Analyzer(s).

6.7.2.2 The Department representative may check the accuracy of the Analyzer using Department gas to verify that the Analyzer is reading within the tolerances established by the Department. Analyzers not reading within the acceptable tolerances shall be calibrated to acceptable tolerances or placed "out of service".

6.8 Fees

6.8.1 The fees assessed I/M Program Stations and Testers/Technicians shall be determined according to a fee schedule adopted by the Board of Health. The fee schedule is referenced in Appendix B of this Regulation.

6.8.2 The following fee is hereby assessed upon every motor vehicle registered in Weber County annually at the time of registration of the vehicle:

6.8.2.1 Air Pollution Control Fee -- one dollar (\$1.00).

6.8.2.2 This fee assessment is included upon all motorized vehicles including those that are exempted from the inspection requirements of this Regulation by Section 6.4 unless a separate

fee is assessed on other motor vehicles by other Health Regulations.

6.8.3 I/M Program Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board of Health and referenced in Appendix B of this Regulation:

6.8.3.1 The inspection fee pays for a complete inspection leading to a Certificate of Compliance or a failure. If a vehicle fails the inspection, the owner is entitled to one free reinspection if he returns to the station that performed the original inspection within fifteen (15) days from the date of the initial inspection. The station shall extend the fifteen day free reinspection time to accommodate the vehicle owner if the station is unable to schedule the retest of the vehicle within the fifteen day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.8.3.2 At the request of the Department, a station shall extend the free retest time for vehicle owners who are unable to complete repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed the data storage capacity time of the approved emission Analyzer.

6.8.3.3 Duplicate Certificates of Compliance issued to a vehicle owner/operator shall not exceed that set by the Board of Health and referenced in Appendix B of this Regulation.

6.9 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Tester/Technician shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.

6.10 These fees are subject to change and may be amended as deemed necessary by the Board of Health to accomplish the purposes of this Regulation.

7.0 STANDARDS AND SPECIFICATIONS FOR EXHAUST GAS ANALYZERS AND CALIBRATION GASES

7.1 Approval of Exhaust Gas Analyzers

7.1.1 No emission inspection or emission test required by this Regulation

shall be performed after May 31,2000 unless the type of instrument used for determining compliance with this Regulation is the UTAH2000 Analyzer (except for provisions noted in Section 4.6). The Analyzer shall meet the requirements of the Analyzer specifications referenced in Appendix A of this Regulation. The Analyzer shall also be certified by the manufacturer as meeting the criteria of Section 207 (b) warranty provisions of the Clean Air Act. The instrument shall be in good working condition, capable of meeting calibration requirements of the Department and operated according to manufacturer's specifications and operating procedures and capable of operating to the standard required by the Utah2000 Analyzer Specification.

7.1.2 Analyzer Registration

Any Analyzer used by an I/M Program Station shall be registered with and approved by the Department and shall be issued an analyzer registration number and, if required, shall bear a registration sticker issued by the Department. Registration stickers are not transferable or assignable. Any new or used Analyzer put in use after station approval must be approved by the Department before use. Analyzers used temporarily during times of breakdown or repair of the registered Analyzer do not require a registration sticker but shall meet all other requirements of this section including the approval of the Department before use.

7.1.3 Running Changes

Any changes to the design characteristics or component specifications that may affect the performance of an Analyzer to be used as an official test instrument in the Vehicle Emissions Inspection and Maintenance Program shall be approved by the Department. It shall be the Analyzer manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the Analyzer.

7.1.3.1 It shall be unlawful for any person to alter or modify the hardware or software of an approved emissions Analyzer without written application and formal written approval by the Department.

7.1.3.2 It shall be unlawful for any person to gain access to any Department controlled portions of an approved Analyzer without approval by the Department.

7.1.4 Calibration/Span Gases

7.1.4.1 General

The Analyzer manufacturer and/or manufacturer designated

marketing vendor shall, supply at a reasonable cost calibration gases approved by the Department to any ultimate purchaser of the Analyzer. Each new or used Analyzer sold by the manufacturer or marketing vendor shall have when deemed necessary by the Department, approved full calibration gas containers installed and operational at the time of delivery. The Department shall establish necessary procedures for approving calibration/span gases.

7.1.4.2 Calibration/Span Gas Blends

The calibration/Span gases supplied to any I/M Program Station shall conform to the specifications of the Department. All calibration gases shall meet all requirements for emissions warranty coverage. Only gas blends supplied by Department approved vendors shall be used to calibrate Analyzers. (Approved gas blend and Department approved vendors are referenced in Appendix E of this Regulation.)

7.1.5 Documentation, Logistics, and Warranty Requirements

7.1.5.1 Instrument Manual

An instrument manual shall be provided by the Analyzer manufacture. The instruction manual shall be conveyed to the purchaser at the time of sale and shall contain at least the following information for the Analyzer:

- (a) A complete technical description;
- (b) The functional mechanical and electrical schematics;
- (c) The accessories and options that are included and/or available;
- (d) The model number, identification marking and location;
- (e) Operating maintenance schedule including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to, leaks, hangup, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
- (f) Field Calibration Procedures (i.e., Department inspection procedure with separate gas supply);
- (g) Cal-port gas inlet calibration, zero, and span instruction;

(h) Information concerning the nearest service facility where equipment can be serviced; and

(i) The warranty provisions for the Analyzer, including a list of warranty repair stations by name, address and telephone number.

7.1.5.2 Analyzer Maintenance.

The Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

7.1.5.3 Analyzer printers shall be maintained in such a manner that the printing of the Certificates, inspection reports and documents are accurate and legible. If any printer fails to properly function, then the Station shall discontinue testing until the required repairs have been performed or a replacement printer is installed.

7.1.6 Propane Equivalency Factor (P.E.F.).

Each instrument shall be labeled with a valid propane equivalency factor, shown with an accuracy of at least two decimal places, (i.e., 0.52). P.E.F. confirmation shall be made on each assembled Analyzer by measuring both N-hexane and propane values on assembly line quality checks. If the Analyzer bench is replaced, then a new P.E.F. label applicable to the replacement bench shall be appropriately attached to the Analyzer.

7.2 Gas Calibration and Leak Check.

7.2.1 A Tester/Technician shall perform a gas calibration of the exhaust gas Analyzer, with an approved calibration gas, within 72 hours prior to performing any emission test. A leak test must be performed every 24 hours. The gas calibration and leak test must be performed in accordance with the Analyzer specifications as contained in Appendix A.

7.2.2 The Analyzer instruction manual and other Department approved information shall be reviewed by the Tester/Technician to ensure that proper procedures are being used for performing the gas calibration.

7.2.3 The Analyzer shall lock-out when calibrations and leak tests are not performed within prescribed time frames.

7.2.4 The Department shall use and require for use in the calibration of Analyzers, calibration and span gases and containers meeting the guidelines contained in Section 7.1.5.

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

8.1 Permit Required.

8.1.1 No person shall operate a I/M Program Station without a valid Permit to operate issued by the Department. A person desiring to operate a I/M Program Station shall submit to the Department a written application for a Permit on a form provided by the Department. To qualify for a Permit, an applicant shall:

8.1.1.1 Be an owner of the proposed I/M Program Station or an officer of the legal ownership;

8.1.1.2 Comply with the requirements of this Regulation;

8.1.1.3 Agree to allow Department access to the I/M Program Station and to provide required information;

8.1.1.4 Pay the application permit fee at the time the application is submitted;

8.1.1.5 Present a copy of a current business license relating to the I/M Program Station; and

8.1.1.6 Other information required by the Department.

8.1.2 The application shall include:

8.1.2.1 The name, mailing address, telephone number, and signature of the person applying for the Permit and the name, mailing address, and location of the I/M Program Station;

8.1.2.2 Information specifying whether the Station is owned by an association, corporation, individual, partnership, or other legal entity;

8.1.2.3 The name, title, address, and telephone number of the

person directly responsible for the Station;

8.1.2.4 The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 8.1.2.3 of this section such as zone, district, or regional supervisor;

8.1.2.5 A statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms that the applicant will comply with this Regulation, and allow the Department access to the Station; and

8.1.2.6 Other information required by the Department.

8.1.3 No person shall in any way represent any place as an I/M Program Station unless the station is operated under a valid Permit issued by the Department.

8.1.4 The Department is authorized to issue or deny Permits for I/M Program Stations.

8.1.5 A Permit may not be transferred from one person to another person, from one I/M Program Station to another I/M Program Station or from one type of operation to another, i.e., test and repair to test only, unless approved in writing by the Department. The Permit shall be posted in a conspicuous place within public view on the premises.

8.1.6 The Department may renew a Permit for an existing I/M Program Station or may issue a Permit to a new owner of an existing Station after a properly completed renewal form is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the Station is in compliance with this Regulation.

8.1.7 No Permit shall be issued unless the Department finds that the facilities, tools, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 12.0, are employed and available to make inspections and adjustments, and the operation thereof will be properly conducted in accordance with this Regulation.

8.1.7.1 An I/M Program Station shall immediately notify the Department if the station does not have a Tester/Technician employed.

8.1.7.2 An I/M Program Station shall comply with all terms stated in the permit application and all the requirements of this Regulation.

8.1.7.3 As a condition for permitting all I/M Program Stations, the following tools and materials shall be available for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Department:

- (a) A Department approved Analyzer;**
- (b) An accurate dwell meter (Optional);**
- (c) An ignition timing light;**
- (d) A propane enrichment kit;**
- (e) Reference manuals (printed or electronic) approved by the Department that contain idle speed, idle mixture, timing, dwell, fast idle speed specifications, and information covering the emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection and Maintenance Program;**
- (f) Sufficient hand tools for proper performance of the inspection and minimum repairs and maintenance as required by the Department;**
- (g) Department approved calibration/ gases;**
- (h) The Analyzer manufacturer's maintenance and calibration manual, which must be retained in the inspection area;**
- (i) All forms, technical bulletins, a copy of this Regulation, and other information materials provided by the Department;**
- (j) A suitable non-reactive tailpipe extender or suitable probe adapter for inspecting vehicles with screened or baffled exhaust systems; and**
- (k) Suitable tools to interface with onboard vehicle computers for computer controlled vehicles which are intended to receive official repairs. (For example, General Motors compatible can tools are required if the I/M Program Station wishes to repair computer controlled GM vehicles failing the I/M test.)**

8.2 Duties of Testers/Technicians Working in Permitted Program Stations:

8.2.1 All facets of the Vehicle Emissions Inspection and Maintenance Program shall be performed by the Tester/Technicians including, but not limited to:

8.2.1.1 Analyzer preparation, calibration checks, and leak checks;

8.2.1.2 Exhaust gas sampling and analysis for purposes of an official emissions test for issuance of a Certificate of Compliance;

8.2.1.3 Preparation of reports, forms, and certificates.;

8.2.1.4 Accessing the official emissions testing section of the Analyzer; and

8.2.1.5 All other aspects of the official emissions test, including but not limited to, the tampering inspection, inserting the exhaust probe, hooking up the tachometer, hooking up the OBDII data link connector, entering data into the Analyzer, verifying that the engine is at normal operating temperature, ensuring that accessories are off, preconditioning the vehicle, and signing Certificates of Compliance and inspection forms, etc., unless otherwise approved in writing by the Director.

8.3 Safety.

An I/M Program Station facility shall be kept in good repair, free of obstructions and hazards and in a safe condition for inspection purpose. No inspection shall be conducted if unsafe conditions exist.

8.3.1 At no time shall carbon monoxide (CO) readings in the ambient air within the station exceed a peak hourly level of 35 parts per million.

8.3.2 All applicable Occupation Safety and Health Administration (OSHA), and other applicable health and safety rules and regulations must be followed in the station.

8.4 Fleet Facility.

A person may establish a fleet facility that is exempt from conducting business at regular hours, or displaying program signs as long as only vehicles owned or controlled by the fleet facility owner are inspected at the station. All other requirements of this Regulation apply.

8.5 Permit Duration and Renewal.

8.5.1 The Permit for I/M Program Stations shall be issued annually and shall expire one (1) year from the date of issuance. The Permit is renewable within sixty (60) days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the I/M program station to pursue the Permit renewal through appropriate channels,

8.5.3 The Station Permit fee shall be paid annually to the Department by the billing due date set by the Department.

8.5.4 Prior to the date on which the Station Permit fee is due the Department shall attempt to notify each regulated Station of the amount of the fee. Fees unpaid after the billing due date will be assessed a late fee which shall be added to the original fee amount.

8.6 I/M Program Station Permit Revocation and Suspension.

8.6.1 I/M Program Station Permits may be suspended by the Department for violations of this Regulation.

8.6.2 I/M Program Station Permits may be revoked by the Department for severe and/or repeated violations of this Regulation.

8.6.3 Suspension of I/M Program Station Permits shall follow the provisions of Appendix D of this Regulation.

8.6.4 I/M Program Station Permits are and remain the property of the Department, only their use and the license they represent is tendered.

8.6.5 Station Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

8.6.6 Failure to pay the Station Permit fee and any additional charges after the due date may result in suspension and/or revocation of the Permit and the right to operate as an I/M Program Station.

8.7 The I/M Station Shall Hold the Department harmless.

In making application for a Permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of I/M Program Station owner or their

employees.

9.0 INSPECTION PROCEDURE

9.1 The official emission inspection shall be solely performed by a Tester/Technician who has been certified at the station where the inspection is being performed and Department approved inspection procedures are being followed.

9.2 If the Tester/Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the inspection, he shall notify the owner/operator of the vehicle before the inspection is administered.

9.3 The entire inspection shall take place within the reach of the Analyzer hose and tachometer lead.

9.4 The temperature of the inspection area shall be between 41 Fahrenheit and 110 Fahrenheit (2 Celsius and 43 Celsius) during the inspection.

9.5 The Analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, and extreme temperatures or any other damaging environmental exposure.

9.6 The electrical supply to the Analyzer shall be able to meet the Analyzer manufacturer's requirements for voltage and frequency stability.

9.7 The Tester/Technician shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to personnel or damage to the station or test equipment or which may affect the validity of the inspection, until such condition is corrected. Such conditions included but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels, carburetor gas overflow, vehicle electronic instrument panel malfunction, and visible emissions (smoker).

9.8 Any time an engine stalls during an Emission Test, the Emission Test shall be restarted. If a Tester/Technician cannot complete an Emission Test because of continuous stalling, then the stalling problem shall be corrected before the test is performed.

9.9 The Tester/Technician shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration with those on the vehicle and shall enter them in the Analyzer at the appropriate prompt.

9.9.1 The Tester/Technician shall verify the owner's name and correct address and enter this information into the Analyzer at the appropriate prompt.

9.9.2 The Tester/Technician shall determine and enter the county in which the vehicle is registered at the appropriate prompt.

9.9.3 The Tester/Technician shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle Emission Test on the approved Analyzer at the appropriate prompt sequence.

9.9.4 All data entries to the Analyzer during the inspection shall be true and factual.

9.10 The Tester/Technician shall:

9.10.1 Conduct the inspection in accordance with the prompts from the Analyzer and the requirements of this Regulation.

9.10.2 Examine the emissions/tune-up specification decal (sticker) under the hood and/or check an approved reference manual to determine if the vehicle was manufactured with a catalytic converter, air injection reaction (AIR) system, PCV System, EGR System, and Fuel Evaporate Control System, etc, as prompted by the Analyzer.

9.10.3 On 1996 and newer model year vehicles follow the OBD IM test procedures in accordance with Appendix F.

9.10.4 On 1990 through 1995 vehicles, visually inspect for the presence and apparent operability of the AIR system, catalytic converter, EGR system, Fuel Evaporative Control system, PCV system, and gas tank cap in accordance with Department procedures and record the information in the Analyzer. If these parts or systems have been removed, or are inoperable, the vehicle fails and the owner shall repair or replace the parts or systems before the emissions test may be continued.

9.10.5 On 1968 through 1989 vehicles, visually inspect for the presence and apparent operability of the AIR system, PCV system, EGR system, Fuel Evaporate Control System, catalytic converter and gas tank cap etc. in accordance with Department procedures and record the information on the emissions Analyzer.

9.11 Prior to performing the emission test each vehicle shall be checked to determine that it is at normal operating temperature by feeling the top radiator hose or by checking the temperature gauge.

9.12 The inspection shall be performed with the transmission in 'park' or 'neutral' and with all accessories off and the emergency brake applied (the vehicle may not be placed in gear to drop idle speed, headlights may be turned on).

9.13 The Analyzer probe shall be inserted into the exhaust pipe at least twelve inches (12") or as recommended by the Analyzer manufacturer, whichever is greater.

9.14 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.

9.15 For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adaptor.

9.16 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.

9.17 For 1995 Model Year Vehicles and Older:

9.17.1 With the tachometer properly attached to the vehicle being tested;

9.17.2 The vehicle shall be tested according to the testing sequence as programmed into the Analyzer and as detailed in the Analyzer specifications referenced in Appendix A. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emission test. The dilution standard shall be contained in the Analyzer specifications as referenced in Appendix A and adjusted when the Department determines by analysis that an adjustment is necessary to yield a more accurate level of emissions readings.

9.18 A Certificate of Compliance shall be issued if:

9.18.1 The vehicle emissions levels are the same as or less than the applicable emissions standards; and

9.18.2 For 1990 through 1995 model year vehicles, the vehicle passes the visual inspection described in Section 9.10;

9.18.3 Beginning January 1, 2001 for 1996 and newer model year vehicles, the vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendix F of this Regulation.

9.19 If the vehicle fails the initial Inspection, the owner shall have fifteen (15) days to have repairs or adjustments made and return the vehicle to the I/ M program station that performed the initial Inspection for one (1) free reinspection. The vehicle that failed the initial inspection shall then be issued a Certificate of Compliance only when all of the following are met:

9.19.1 The vehicle is re-inspected;

9.19.2 The vehicle's emission levels are the same or less than the applicable Emission Standards and;

9.19.3 For 1990 through 1995 model year vehicles, the vehicle passes the visual Inspection as provided for in Section 9.10.

9.19.4 Beginning January 1, 2001 for 1996 and newer model year vehicles, the vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendix F of this Regulation.

9.20 A Certificate of Waiver shall be issued only under the following conditions:

9.20.1 For all vehicles, air pollution control devices applicable and specified for the make, model and year of the vehicle as specified in Section 9.10 of this Regulation are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted.

9.20.2 For 1968 to 1980 model year motor vehicles, if the vehicle continues to exceed applicable emissions standards after one hundred dollars (\$100) of acceptable emissions related repairs have been performed and the adjustments required by Section 10.0 have been performed by a Certified Emissions Repair Technician as part of the one hundred dollars (\$100) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the one hundred dollars (\$100).

9.20.3 For 1981 to 1995 model year motor vehicles, at least two hundred dollars (\$200) of acceptable emissions related repairs have been performed and the adjustments (were applicable) required by Section 10.0 have been performed by a Certified Emissions Repair Technician as part of the two hundred dollars (\$200) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the two hundred dollars (\$200).

9.20.4 For 1996 and newer model year vehicles, at least four hundred dollars (\$400) of acceptable emissions related repairs have been performed by a Certified Emissions Repair Technician as part of the four hundred dollars (\$400) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Certificate, the cost of labor may not be included in the four hundred dollars (\$400). Any repair costs eligible under the federal emissions warranties shall not be eligible to be applied to the repair cost waiver limits.

9.20.5 Any vehicle that experiences an increase in any emissions levels shall not be eligible for a certificate of waiver regardless of the amount spent in attempting to repair the vehicle.

9.20.6 As used in this section acceptable emissions related repairs:

9.20.6.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures.

9.20.6.2 Refers to repairs and maintenance of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce emissions:

- (a) Air Intake Systems;
- (b) Ignition Systems;
- (c) Fuel Control Systems;
- (d) Emission Control Systems except as noted in Section 9.22.4.4;
- (e) Basic Engine Systems; and
- (f) Repair of problems identified by On-Board Diagnostic (OBD) fault codes.

9.20.6.3 Does not include adjustments, maintenance, or repairs performed prior to the official emissions inspection.

9.20.6.4 Does not include the fee paid for the inspection.

9.20.6.5 Does not include costs associated with the repairs or replacement required by Section 9.10 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems, or costs incurred due to engine switching and/or modifications.

9.20.6.6 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

9.20.6.7 Does not include any diagnostics performed or any chemical additives.

9.21 Information regarding all performed repairs shall be entered into the appropriate data base of the Analyzer prior to the vehicle being reinspected.

9.22 Certificate of Waiver shall only be issued by the Department unless the Department determines other acceptable methods of issuance. A Waiver shall only be issued after determining that the vehicle complies with the requirements of Section 9.20. A Waiver shall not be issued to a vehicle with an inoperable or glowing check engine light.

9.23 Prior to referring the vehicle owner/operator to the Department for waiver eligibility, the Tester/Technician or Station shall verify that the repair and eligibility requirements of this Section have been met.

9.24 The inspection records shall be completed accurately, signed immediately, filed, and distributed, as required by the Department. The customer shall be given the appropriate copies.

9.25 After a passing Inspection customers shall be given the Certificate of Compliance along and appropriate copy of the Inspection form.

9.26 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the Analyzer specifications as referenced in Appendix A of this Regulation.

9.27 When a vehicle owner requests an Inspection, the Tester/Technician shall perform the inspection in the testing mode of the approved Analyzer. Performing a screening test (or pre-test) in the manual mode of the approved Analyzer or on a non-approved analyzer shall be a violation of this Regulation if the vehicle owner requested an emissions inspection. Adjustments or repairs shall not be made prior to a requested inspection.

9.28 At the end of each business day the UTAH2000 Analyzer shall be placed in a standby mode and be connected to the appropriate telecommunications line in order for the Department to collect data, load certificates, update station and Tester/Technician information or any other administrative procedures.

10.0 ADJUSTMENT PROCEDURES (Vehicles without computer Controlled Engine Systems)

10.1 The following adjustments should be performed on all 1981 and older vehicles (where applicable) that failed the I/M test. These adjustments must be performed by a emission repair technician before a vehicle will be eligible for an emissions waiver.

10.2 The manufacturer's or high altitude specifications, if available, for idle speed, idle air/fuel mixture, ignition timing, and dwell, shall be determined for the purpose of adjustment. The emissions repair technician shall refer to the emissions tune-up specifications. Fuel control systems designed with sealed tamper-resistant adjustment screws for air/fuel mixture shall be adjusted according to manufacturer's specifications and resealed. On vehicles that have limiter caps on the fuel control systems, the limiter caps shall be removed and the air/fuel ratio adjusted to meet manufacturer's specifications and the proper limiter caps shall be reinstalled. The adjustment procedures shall be as follows:

10.2.1 The dwell ,if applicable, shall be checked with a dwell meter to determine if it is within the recommended tolerance of 2 degrees of specifications. The dwell shall be reset if it exceeds this tolerance;

10.2.2 The idle speed shall be checked with a tachometer to determine if it is within 50 rpm of the manufacturer's specifications. If it is not, it shall be set to within 50 rpm of the manufacturer's specifications;

10.2.3 The ignition timing shall be checked, using a timing light or engine analyzer, to determine if it is within +4 degrees to -2 degrees of the recommended settings while the engine is idling at the specified speed. If the timing exceeds this tolerance, it shall be adjusted until it falls within +4 degrees to -2 degrees of the recommended setting;

10.2.4 The idle air/fuel ratio shall be adjusted according to manufacturer's suggested procedures and/or specifications using an infrared analyzer, propane enrichment kit, or tachometer;

10.2.5 The choke shall be checked for normal operation and, if appropriate, adjusted according to manufacturer's suggested procedures and/or specifications;

10.2.6 After completing the preceding steps, the idle speed shall be readjusted to manufacturer's specifications; and

10.2.7 The performed adjustments shall be entered in the required data base of the Analyzer.

11.0 ENGINE SWITCHING

11.1 All vehicles which qualify for testing under this section shall be tested by the Department only.

11.2 Vehicles qualifying for testing under this Section shall not be eligible for a Waiver.

11.3 Engine switching shall be allowed only in accordance with E.P.A. policy.

11.4 Vehicles not meeting the requirements of Section 11.0 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Regulation.

11.5 All 1990 and newer vehicles with switched engines shall be verified, to meet E.P.A. requirements, by the Department prior to issuance of a Certificate of Compliance.

11.6 For 1968 to 1989 vehicles, having an engine other than the original engine and emission control configuration are deemed as tampered. These vehicles must meet the HC and CO standards for the Model Year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Waiver, unless they are restored to the original engine and emission control configuration or a configuration approved by the Department.

12.0 EMISSION REPAIR TECHNICIAN / EMISSION TESTER CERTIFICATE OF QUALIFICATION

12.1 Emission Repair Technician Certification Required.

12.1.1 No person shall perform any part of the Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Emission Repair Technician Certificate of Qualification issued by the Department.

12.1.2 Applications for an Emission Repair Technician Certificate of Qualification shall be made upon an application form prescribed by the

Department. No Certificate of Qualification shall be issued unless:

12.1.2.1 The applicant has shown evidence of at least an associate degree in automotive technology or similar, or at least two (2) years work experience as an automotive mechanic, or other Department approved prerequisites.

12.1.2.2 The applicant has shown adequate competence by successfully completing the written and practical portions of the Emission Repair Technician Certification requirements as specified in this Regulation.

12.1.2.3 The applicant has paid the required permit fees as set by the Board of Health (reference in Appendix B).

12.1.3 An applicant shall comply with all of the terms stated in the Certificate of Qualification Application and with all the requirements of this Regulation.

12.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of Inspections, use of the approved Analyze; and adjustment and repair of vehicles to manufacturer's specifications. Such knowledge and skill shall be shown by passing:

12.1.4.1 A written qualification test including but not limited to the following:

(a) Operation and purposes of emission control systems;

(b) Relationship of HC and CO to timing and air/fuel ratio adjustments;

(c) Adjustment to manufacturer's and high altitude specifications;

(d) Function and operation of computer controlled emission control system including, but not limited to the following:

Oxygen sensor;

Engine control module (ECM);

Other sensors;

Three way catalytic convertor;

Fuel injection system (type and discussion of differences);

(e) Inspection procedures as outlined in this Regulation and prompted by the Analyzer;

(f) Operation of the Analyzer including the performance of gas calibration and leak check;

(g) The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act; and

(h) The provisions of this Regulation and other applicable Department policies and procedures.

12.1.4.2 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration and leak testing of the Analyzer;

(c) Demonstration of ability to conduct the Inspection;

(d) Demonstration of ability to adjust the engine systems to manufacturer's and high altitude specifications; and

(e) Demonstration of ability to accurately enter data in the Analyzer; and legibly, accurately complete the required reports and forms.

12.1.5 A signed "Hands-on Performance" check sheet shall be necessary for successful completion of the performance qualification test. The "hands-on Performance" check sheet shall be signed by an instructor or other person approved by the Department.

12.1.6 The Department shall issue Emission Technician Certificate to an applicant upon successful completion of the requirements of this Section .

12.1.7 The Emission Repair Technician Certificate shall be valid only at the station where the Emission Technician is presently employed. If the Emission Technician is later employed at another station, he shall notify the Department of the employment change. He shall also be required to be certified there prior to performing any Inspections. That certification will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.1.8 Emission Repair Technician Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

12.2 Emission Tester Certification Required

12.2.1 No person shall perform any part of the Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Emission Tester Certificate of Qualification issued by the Department.

12.2.2 Applications for an Emission Tester Certificate of Qualification shall be made upon an application form prescribed by the Department. No Certificate of Qualification shall be issued unless:

12.2.2.1 The applicant has shown adequate competence by successfully completing the written and practical portions of the Emission Tester Certification requirements as specified in this Regulation; and

12.2.2.2 The applicant has paid the required permit fees as set by the Board of Health and reference in Appendix B.

12.2.3 An applicant shall comply with all of the terms stated in the Certificate of Qualification Application and with all the requirements of this Regulation.

12.2.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of emission testing and use of the approved Analyzer. Such knowledge and skill shall be shown by passing:

12.2.4.1 Operation and purposes of emission control systems;

12.2.4.2 Inspection procedures as outlined in this Regulation and prompted by the Analyzer;

12.2.4.3 Operation of the Analyzer including the performance of gas calibration and leak check;

12.2.4.4 The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act;

12.2.4.5 The provisions of this Regulation and other applicable Department policies and procedures; and

12.2.4.6 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration and leak testing of the Analyzer;

(c) Demonstration of ability to conduct the Inspection; and

(d) Demonstration of ability to accurately enter data in the Analyzer; and legibly, accurately complete the required reports and forms.

12.2.5 A signed "Hands-on Performance" check sheet shall be necessary for successful completion of the performance qualification test. The "hands-on Performance" check sheet shall be signed by an instructor or other person approved by the Department.

12.2.6 The Department shall issue an Emission Tester Certificate to an applicant upon successful completion of the requirements of this Section.

12.2.7 The Emission Tester Certificate shall be valid only at the station where the Tester is presently employed. If the Tester is later employed at another station, he shall notify the Department of the employment change. He shall also be required to be certified there prior to performing any Inspections. That certification will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.2.8 Emission Tester Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

12.3 Tester/Technician Certificate of Qualification Suspension and Revocation.

12.3.1 Tester/Technician Certificate of Qualification may be suspended by the Department for violations of this Regulation.

12.3.2 Tester/Technician Certificates of Qualification may be revoked by the Department for Severe and/or repeated violations of this Regulation.

12.3.3 Suspension or revocation of Tester/Technician Certification shall follow the provisions of Appendix D of this Regulation.

12.3.4 Tester/Technician Certification may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

12.4 Re-Qualification Requirements for all Tester/Technician Certification.

12.4.1 Tester/Technician Certificates shall not be transferred from one person to another person. Tester/Technician Certificates may not be transferred from one I/M Program Station to another or from one status to another, i.e., from test and repair to test only, without a written request and Department approval.

12.4.2 The Department may renew Certification for an existing Tester/Technician after a properly completed renewal form is submitted, reviewed, and approved, the re-certification requirements have been completed, the fees are paid and the Tester/Technician has complied with this Regulation.

12.4.3 Upon determination, by the Department, of the necessity of updating the qualification for Tester/Technician, they shall be required to re-qualify.

12.4.4 Tester/Technicians shall be required to re-qualify within a specified time period determined by the Department (from the date of written notification by the Department). The notice shall be mailed to the address of record in the office of the Department. Failure to re-qualify within the required period of time shall result in suspension or revocation of the Tester/Technician certification as described in this Regulation.

12.5 Certification Expiration.

12.5.1 The Tester/Technician Certificate shall be issued annually and shall expire one year from the date of issuance. The Permit shall be renewable within sixty (60) days prior to the date of expiration.

12.5.2 It is the responsibility of the Tester/Technician to pursue the renewal of the Tester/Technician Certificate.

12.5.2.1 Tester/Technicians who are lacking in training hours may be allowed to have a single 30 day extension past the expiration of their Certificate provided they make a request to the Department in person prior the expiration date of their Certificate and:

(a) Pay the extension fee as referenced in Appendix B; and

(b) Show proof that they are registered for training that qualifies for re-certification.

12.5.2.2 When an extension has been granted and after the training is finished the Tester/Technician shall come back and apply for their renewal approval and pay the renewal fee (reference in Appendix B). If the Tester/Technician comes in after the extension expires with the proper training requirements he will be charged the late renewal fee.

13.0 EMISSIONS STANDARDS FOR MOTOR VEHICLES

13.1 In order to obtain a valid Certificate of Compliance, a motor vehicle subject to an Emission Inspection shall not exceed the maximum concentrations for carbon monoxide (CO), and Hydrocarbons (HC) as established by the Board of Health (referenced in Appendix C) and/or pass a valid OBD test.

13.2 Maximum concentration of Cut-Points shall be adopted by the Board of Health to meet the National Ambient Air Quality Standards established by the United States Environmental Protection Agency (USEPA). The adopted Cut-Points shall remain in effect until changed by the Board of Health. Any change in Cut-Points shall be effective upon the first day of any calendar month designated by the Board of Health. The Board of Health shall adopt Cut-Points by considering the following factors:

13.2.1 The existing ambient air quality;

13.2.2 To provide for the required stringency necessary to meet air Quality Standards;

13.2.3 The requirements for air quality programs currently in effect as promulgated by the EPA, the Utah Department of Environmental Quality, the County and the Board of Health; The Cut-Points established shall be part of an overall program, in accordance with EPA guidelines, to achieve the required tailpipe reductions, of CO and HC from motor vehicles measured from the date this program is implemented;

13.2.4 The general level of emission control technology on vehicles registered in the County;

13.2.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;

13.2.6 The likelihood of a particular Cut-Point to achieve desired air quality goals; and

13.2.7 The ability to ensure compliance with the requirements of Section 41-6-163.6 and Section 41-6-163.7, Utah Code Annotated, 1953, as amended.

14.0 CERTIFICATE OF COMPLIANCE, CERTIFICATE OF COMPLIANCE NUMBERS AND CERTIFICATE OF WAIVER

14.1 No person shall make, issue or knowingly use any imitation or counterfeit of a Certificate of Compliance, Certificate of Compliance Numbers or Certificate of Waiver.

14.1.1 No person shall use a stolen certificate or certificate number.

14.2 Certificate of Compliance Numbers shall be obtained only from the Department.

14.3 No refund or credit shall be allowed for unused certificates/numbers, except as provided in Section 13.10.

14.4 Obtaining Certificate of Compliance Numbers.

14.4.1 Certificate of Compliance Numbers may be obtained in person by an authorized representative, of the I/M Program Station, possessing an acceptable form of identification.

14.4.2 Certificate of Compliance Numbers shall be issued in lots to be determined by the Department. The Department may limit the number of Certificate of Compliance Numbers issued to the number that the Department feels can be secured and stored safely.

14.4.3 Certificates of Compliance shall not be sold, loaned, transferred, or given to any other I/M Program Station, or any unauthorized individual. The I/M Program Station shall at all times account for all certificates/numbers that have been issued to the station. Failure to properly safeguard and/or account for Certificate of Compliance Numbers may lead to immediate suspension of Station Permit.

14.5 Certificates of Compliance shall only be issued to the vehicle owner/operator after being printed by the Analyzer. Completion of Certificates by other means than the Analyzer by any person or station other than the Department is strictly prohibited. The certificate shall be signed immediately after printing by the Tester/Technician who inspected the vehicle.

14.6 Certificates of Compliance shall not be issued until an inspection has been

performed as required by this Regulation.

14.7 All unused Certificate of Compliance Numbers shall be kept in a secure place at all times to prevent loss or theft.

14.8 Certificate of Compliance Numbers found to be missing, stolen, or unaccounted for, shall be reported to the Department within twenty-four hours and the Station shall cease performing Inspections until an investigation by the Department has been completed and the Department re-authorizes the Station to resume Inspections.

14.9 I/M Program Stations shall have Department issued Certificate of Compliance Numbers on hand at all times.

14.10 Upon final cancellation, suspension or revocation of the I/M Station Permit, the Station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance Numbers to the Department. The Department may receipt and refund the fee paid for unused certificates of Compliance Numbers to the Station owner according to the Weber County Clerk/Auditor's procedures. Upon transfer or termination of business ownership, the Station Permit and all Certificate of Compliance Numbers shall be immediately surrendered to the Department. Any person acquiring a business that has been permitted as an official I/M Program Station, is prohibited from using any Permit, Certificate of Compliance Numbers or emissions documents issued to the former business without authorization of the Department; and

14.10.1 Any Analyzer manufacturer or their authorized representative who repossesses or otherwise removes an Analyzer from an I/M Program Station shall immediately notify the Department and shall immediately surrender any Certificate of Compliance Numbers and the data disk that may still be in the Analyzer to the Department.

14.11 No person may alter computer software or electronic data associated with the Inspection without written permission by the Department.

14.12 No person may engage in repair of analyzer unless approved by the Department.

15.0 RIGHT TO APPEAL

Within ten (10) calendar days after the Department has issued a notice of violation, Permits denial, warning, suspension or revocation, any person(s) aggrieved may request in writing, a hearing before the Department. The written request for hearing shall be made on a form provided by the Department. The hearing shall take place within ten (10) calendar days, or other time mutually

agreed upon, after there request is received. A written notice of the Department's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Department may sustain, modify, or reverse the action or order, and/or negotiate a consent agreement but shall not require less than the minimum requirements of this Regulation and other applicable law.

16.0 PENALTY

16.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code annotated, 1953, as amended.

16.2 Each day such a violation is committed or permitted to continues shall constitute a separate violation. Also, each improperly issued Certificate of Compliance constitutes a separate violation.

16.3 The County Attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

16.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department in prosecuting and/or abating the violation.

16.5 The Penalty Schedule for Permits warning, Permits suspension, Permits revocation, and/or negotiated settlement agreements as adopted by the Board of Health shall be referenced in Appendix D of this Regulation and may be changed and updated by the Board of Health as deemed necessary to accomplish the purposes of this Regulation.

16.6 Enforcement of any criminal penalties does not preclude imposition of administrative or civil penalties and visa-versa.

17.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application

and to this end the provisions of this Regulation are hereby declared to be severable.

18.0 EFFECTIVE DATE

This Regulation including Appendix A through F shall become effective the day of its adoption by the Board of Health. Appendices may be modified by the Board of Health without affecting the rest of this Regulation. Appendices when amended by the Board shall become effective on the day of adoption of amendments by the Board of Health.

Adopted by the Weber-Morgan Board of Health - May 22, 2000.
Amendments to Regulation and Appendix B shall become effective July 1, 2003.

APPENDIX A

UTAH2000 Analyzer Specifications

Available upon request from the Department

All proposed options for test procedures, equipment specifications and program design shall meet emission reduction required by Section 9.18. The option to be selected is that which is most cost effective to the consumer as determined by the Board of Health.

The inspection for light duty vehicles (0-8500 lbs. GVWR) will consist of a stationary test at low and high speed idle for concentrations of hydrocarbons (HC), carbon monoxide (CO) and/or an OBD IM test, a functional inspection of the gas cap and a visual/tampering inspection of the fuel filler neck Restrictor, PCV, EGR, A.I.R. and catalytic converter systems.

All test equipment must meet specifications established by the Department. The Department may require Analyzers to meet portions of specifications established by the State of California Bureau of Automotive Repair termed Bar 97.

APPENDIX B
FEE SCHEDULE

The assessed fees for implementing the requirements of Section 6.10 of the Vehicles Emissions Inspection and Maintenance Program shall be:

PERMITTING OF AN OFFICIAL I/M PROGRAM STATION	\$250.00
ANNUAL RENEWAL OF STATION PERMIT	\$25.00
ANNUAL RENEWAL OF EXPIRED STATION PERMIT	\$50.00
RE-PERMITTING AN I/M STATION AT A NEW LOCATION	\$50.00
CERTIFICATE OF QUALIFICATION.....	\$25.00
TEMPORARY STATION PERMIT.....	\$50.00
ANNUAL RENEWAL OF TESTER/TECHNICIAN CERTIFICATION	\$10.00
TRANSFER OF TESTER/TECHNICIAN CERTIFICATE TO NEW STATION	\$10.00
DUPLICATE TESTER/TECHNICIAN CERTIFICATE.....	\$10.00
ANNUAL RENEWAL OF EXPIRED TESTER/TECHNICIAN CERTIFICATION.....	\$30.00
30 DAY EXTENSION OF TESTER/TECHNICIAN CERTIFICATE EXPIRATION DATE	\$30.00
AIR POLLUTION CONTROL FEE (PAID AT REGISTRATION - - ALL VEHICLES).....	\$1.00
DIESEL CONTROL FEE (PAID AT REGISTRATION - - ALL DIESEL VEHICLES)	\$9.00
EMISSIONS CERTIFICATE OF COMPLIANCE/NUMBER (EACH)	\$3.00
DUPLICATE CERTIFICATE OF COMPLIANCE (MAXIMUM)	\$3.00
COST FOR CHECKING A CATALYTIC CONVERTER (DEPARTMENT ONLY)	\$25.00
MAXIMUM EMISSION INSPECTION FEE	\$25.00
CLEAR A TAMPERING LOCK OUT - - THIRD TIME WITHIN ONE YEAR AND EACH TIME AFTER	\$10.00
RETURNED CHECK FEE	\$25.00
COPY OF I/M PROGRAM REGULATION.....	\$2.50

APPENDIX C

MOTOR VEHICLE EMISSIONS Inspection and Maintenance PROGRAM

The following schedule gives the maximum allowable concentration for carbon monoxide (CO) and hydrocarbons (HC) for both cars and trucks as determined by an approved Analyzer using the prescribed procedures. The effective date for these cut-points is 1 November 1991.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS 1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	6.0	800
1970 - 1974	5.0	700
1975 - 1976	4.0	600
1977 - 1979	3.0	500
1980	2.0	300
1981 AND NEWER	1.2	220
HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 OR GREATER 1979 AND NEWER OVER 8,500 POUNDS GVWR		
<u>MAXIMUM CONCENTRATION STANDARDS</u>		
<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968 - 1969	7.0	1500
1970 - 1978	5.0	1200
1979 - 1980	4.0	1000
1981 AND NEWER	3.5	800

Note: These should be considered as "cut-points" for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the emission levels should be well below the "cut-points".

APPENDIX D

PENALTY SCHEDULE

VIOLATION	1 ST OCCURRENCE	2 ND OCCURRENCE	3 RD OCCURRENCE	4 TH OCCURRENCE
Failure to inspect or probing a vehicle other than vehicle entered in test record.	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)		
Non-certified Tester/Technician performing inspection	Up to 6 Month Suspension (Station & Tester/Technician)	6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Fail a Passing Vehicle/Pass a Failing Vehicle	Up to 3month Suspension (Station & Tester/Technician)	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Failure to Comply with Proper Test Procedures	Formal Warning (Station & Tester/Technician)	Up to 3 Month Suspension (Station & Tester/Technician)	Up to 6 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)
Performing Unnecessary or Unrelated Repairs	1 Month Suspension (Station & Tester/Technician)	3 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)	
Inaccurate or Incomplete Data	Formal Warning (Station & Tester/Technician).	Up to 30 Day Suspension (Station & Tester/Technician)	Up to 3 Month Suspension (Station & Tester/Technician)	Revocation (Station & Tester/Technician)

OTHER APPROPRIATE WARNINGS, SUSPENSIONS, NEGOTIATED CONSENT AGREEMENT, AND/OR REVOCATIONS AS DEEMED NECESSARY AND PRUDENT BY THE DEPARTMENT.

All Tester/Technician and Station suspensions may be reduced in length by a Negotiated Consent Agreement which may substitute monetary penalties for part of all of the suspension time. Consent Agreements for stations are based on 50% of the testing revenue that could have been expected during the suspension time based on a minimum test fee of \$20.00. Consent agreements for the technicians is based on \$100 increments for any 15 day period or portion thereof up to a maximum of 90 days. Negotiated Consent Agreements are only applicable in relation to suspension.

APPENDIX E

Department Approved Calibration Gas and Calibration Gas Blenders Available at:

List available upon request from Department

APPENDIX F

OBD IM TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer:

1. Turn the ignition switch to the off position for at least 12 seconds;
2. Visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates when the ignition key is turned to the key on/ engine off position. (Note: MIL may only light briefly, watch closely.) If the MIL does not illuminate at all then the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
3. Locate the Data Link Connector (DLC) in the vehicle and connect the OBDII test equipment (Analyzer). If DLC is missing, has been tampered with, or is otherwise inoperable then the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
4. Start and leave the engine running. Check for MIL illumination. If the MIL illuminates after the engine has been started, even if no fault codes are present, the vehicle fails if tested after December 31, 2000, perform two speed idle test if tested prior to January 1, 2001 and advise the owner/operator to repair the MIL problem. Exception: OBDII deficient vehicles will be given the two speed idle test.
5. Vehicle status not ready; perform two speed idle test prior to January 1, 2001, after December 31, 2000 the vehicle must be preconditioned to a ready status. Exception: OBDII deficient vehicle will be given the two speed idle test. (Note: Certain vehicles may be exempted by the Weber-Morgan Health Department from OBD IM testing. Exemption can only be given by the Weber-Morgan Health Department.)
6. Vehicle status ready; when MIL light is on check Diagnostic Trouble Codes (DTC=s); determine pass or fail, and record results. (Note: Do not check DTCs if MIL is not commanded on.)
7. Turn off engine and disconnect test equipment.

WEBER-MORGAN DISTRICT HEALTH DEPARTMENT

POLICIES AND PROCEDURES
OF THE
WEBER COUNTY I/M PROGRAM

STATION AUDITS

1. I/M Program stations are to be audited on a quarterly basis with the high volume and high risk stations done on a more frequent schedule. Audit frequency should be altered to a degree to help prevent the predictability of the audit date by station personnel.
2. Monthly station/mechanic evaluation reports: Each auditor is routinely given a monthly report listing the activities of each station and mechanic in his district. He is instructed to review this printout and identify problem areas, i.e., high fail rates, low fail rates, tampered vehicle, etc. He then discusses these problems with the station manager and mechanic during the audit. These reports are then filed in the station folder for future reference and used as a means of determining if the problem has really been taken care of. Repeat violators are sent notices; and then suspended if the problem persists. Monthly evaluation printouts are also used to select stations for undercover audits (low-high fail rates).
3. One copy of the station evaluation and one copy of the station performance report will be obtained during each audit.
4. The station performance report will be completed during each audit. Any violation(s) will be noted and station manager or responsible individual informed regarding the violation(s).
5. Gas audits of station analyzer shall be performed on a quarterly basis by the station auditor. Using span gas provided by the Department, the analyzer readings must be within a tolerance of +/-5% for co and +/7% with hang-up correction for HC. If analyzer fails the gas audit, the auditor shall perform analyzer maintenance and attempt another gas audit. If this attempt fails the auditor shall place the analyzer out of service, in accordance with the Weber County I/M Regulations, Section 6.9, Subsection 6.9.2.1. If analyzer is locked out due to a gas audit failure, it shall be noted on the station performance report and station manager shall read and initial and date this statement. Once notification of repair is received from station personnel, the station auditor shall make every effort to remove lockout within the same date of notification. If same date lockout removal cannot be achieved, then next day will be acceptable.
6. If a station auditor notes a consistent violation (two consecutive violations), that the I/M station does not correct in spite of violation notices on performance reports, and has been given a reasonable amount of time for any corrections, then

this information is to be given to the I/M Program Director for administrative action.

7. All items covered on the station performance report are to be checked on each audit. Of particular concern is the certificate accountability. All unaccounted certificates will constitute a station to cease inspection operations until the Department authorizes the station to resume inspections, as per Weber County I/M Regulations, Section 13.0, Subsection 13.8.
8. Scheduling: Auditors routinely vary the date that they visit each station. This reduced the possibility that the station will prepare for the audit just before expected visit. This has caught some stations off guard and resulted in the discovery of improprieties that otherwise would go undetected. The policy of using the supervisor to perform random audits has also helped to take away a predicted routine that stations and mechanics could abuse.
9. During regular audits, the analyzer's data disk will be removed from the analyzer and exchanged for a new, formatted disk provided by the Department. Old disks will be discarded after the information has been downloaded to the system.
10. The analyzer information disk is to be returned to the office and should be transferred to the county mainframe on a timely basis. The disk should then be saved for future reference or until it has been determined that the information has been successfully uploaded.
11. Where possible, the station auditor should attempt to observe an actual emissions test during the station audit.
12. In the event that a station comes under investigation for alleged misconduct, the station's auditor will conduct a station audit immediately and turn over all information to the Department Director for any administrative action as deemed by the Weber County I/M Regulations and the Department Director.

AUDIT PROCEDURES - UTAH 91 ANALYZERS

- I. Prior to the audit:
 - A. Review station folder to determine if there is any follow-up corrective action required from the previous audit.
 - B. View the performance report to determine if there are nay missing certificates.
 - C. Obtain calibration cylinder, vehicle identification reference manual. (Or use station reference manual)
- II During the audit:

- A. Obtain station performance report. Verify that the station permit, mechanic's certificates, station sign, fee chart, reference manuals, and other required equipment is available. Note any discrepancies for the station performance report.

 - B. Access the station analyzer audit menu of the analyzer computer. Select the station evaluation report (see attachment no. 1) and print out the information. Review this information to see if there are any unusual entries, i.e., a significant increase/decrease in the fail rate. Note and question the station manager on any unusual information. Verify that the time and date entries are correct.
 1. Select the station performance report (see attachment no. 2) and program in the appropriate information. Note on this report the number of the next unused certificate.

 2. Select gas audit and introduce your audit calibration gas into sample line probe. Obtain printout of results (see attachment no. 8). Calculate the reading that you are supposed to observe and compare this reading with that on the printout. If it is determined that the analyzer is out of calibration, select the calibration history and review previous calibration reports (attachment no. 9). Determine if there is any indication of drift beyond the maximum allowed since the last calibration. If so, schedule follow up checks to determine how long the analyzer will remain in calibration. If it is determined that the analyzer cannot remain in calibration for three days, it will be locked out until repairs are completed.

 3. Select the mechanic evaluation report (see attachment no. 3) and program in each mechanic. Obtain printouts and review for unusual entries, i.e., significant fail or pass rates. Any significant discrepancies should be noted and discussed with the station manager.
 - a. Select multiple repairs report (see attachment no. 4) for suspect mechanics and obtain printout. May refer back to station/mechanic evaluation report. Unusual entries will be discussed with station manager.

 - b. Select fast testing report (attachment no. 5) and review for unusual entries. If observed, obtain printout for documentation of problem.

 - c. Select emissions reductions report (attachment no. 6) and review for 50% reductions in HC and CO if a significant number of repairs have been performed. If not, obtain
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printout for follow up action or to discuss with I/M mechanic or other responsible individual.

- d. Select consecutive test comparison report and observe to see if there are any repeat tests with the same readings. If so, obtain a printout and discuss with the station manager or notify the Director to do an undercover audit there. You may also want to printout test records to verify the same readings indicating that the same vehicle was probably used to each test.

4. Select auditor's notes (see attachment no. 10) and review to determine if there are any unresolved discrepancies that require follow up. Also, use this opportunity to record any information that you want to pass on to the next audit.

5. Select analyzer tampering/access report (see attachment no. 11) and review for lockouts. Insure that county lockouts involving everything but service are cleared by the auditor.

C. Review station files:

1. Using the vehicle identification encyclopedia, randomly select a few vehicle inspection reports (VIRs) and check for proper entries for engine displacement. Then using the application guide, verify that the device check is properly programmed on the report. If a significant number for a particular mechanic is observed, check more thoroughly to determine the extent of the problem. Bring this information to the attention of the station manager and mechanic.
2. Insure that the VIRs are filed in numerical sequence and that they have the yellow copy of the certificate of compliance attached.
3. Insure that separate files are available for fail and pending vehicles awaiting retest.

III After the audit:

- A. Advise supervisor of any discrepancy involving a warning or suspension letter and provide documentation to support it.
- B. Compile all information and file in the station folder.
- C. Complete I/M station audit report indicating when the audit was performed.

COMPLAINTS

1. When an emission related complaint is received, the secretary will retrieve the following information on an approved complaint form: complainant's name, address, home and/or work phone, station at which incident occurred, inspectors name, dated and time of the incident and a description of complaint. Complaint will then be assigned to a station auditor who in a timely manner will investigate the complaint, take appropriate action, file a report with the Director, and notify the complainant as to the results of the investigation.

POLICIES AND PROCEDURES
COVERT AUDITS

1. Covert audits. The counties to the extent possible perform a covert audit of each inspector and station at least once a year. The number of covert audits at least equals the number of permitted inspectors. Covert audits are performed using a variety of vehicles that are representative of the subject malfunctions. Suspected problem stations and inspectors are targeted for earlier and more frequent audits. Complaints also trigger additional audits.
 2. Covert performance audits shall include:
Remote visual observation of inspector performance, which may include the use of aids such as binoculars or video cameras, at least once per year per inspector in high-volume stations (i.e., those performing more than 4000 test per year);

Site visits at least once per year per number of permitted inspectors (per inspector FTE) using covert vehicles set to fail (this requirement sets a minimum level of activity not a requirement that each inspector be involved in a covert audit); and

For stations that conduct both testing and repairs, at least one covert vehicle visit per station per year including purchase of repairs and subsequent retesting if the vehicle is initially failed for tailpipe emissions, at least once per year per station.
 3. Vehicles used for undercover audits will be pre-tested and adjusted for use at the Technical Center.
 4. The vehicle operator must follow the guidelines in memorandum dated 20 March 1986 from deputy County Attorney regarding "Guidelines to Avoiding Entrapment".
 5. The audit should be performed in such a manner as to avoid giving employees at the station being audited any indication that an audit is being performed.
 6. The surveillance report form should be filled out completely for each phase of the audit.
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7. Covert auditors will complete a training course provided by the Department which is designed to thoroughly familiarize them with all aspects of the emission inspection procedures.
8. Covert auditors will be rotated to avoid becoming recognizable to inspection station personnel.
9. In all cases, vehicles shall be adjusted to fail either the emissions or tampering or both aspects of the test.
10. On covert audit failures, administrative actions will follow the penalty schedule of the Weber County I/M Regulations.
11. A complete audit includes the following phases:
 - a. Pre-testing and adjusting of vehicle.
 - b. Audit/testing at designated station.
 - c. Post-testing and readjusting original configuration if needed. Completed inspection forms are to be returned to the Program Director
 - d. A briefing with Director of his representative on test results.
 - e. Appropriate action taken on any discrepancies.

VEHICLE TAMPERING INSPECTION PROTOCOL

In accordance with Weber County Inspection/Maintenance Rules and Regulations, Section 1.77 Tampering Definitions, Section 3.0 Jurisdiction of Counties, Section 4.1.5 Powers and Duties, and Section 4.2.3 Powers and Duties.

All Weber County Inspection/Maintenance inspector/mechanics when conducting a tampering inspection, will determine the following on all vehicle model years included in the program:

1. Through the use of the vehicle decal or an approved vehicle reference manual, determine those emission control devices that should be present on a particular vehicle.
2. Conduct a visual inspection of said vehicle to determine if those items are indeed present.
3. Determine if those items have been intentionally or accidentally removed or altered from the original configuration.
4. Enter pass/fail information correctly into the analyzer.
5. Inspectors will be held accountable for their tampering inspections. If an inspection is found to be incorrect, and inspector may be subject to penalties found in the Inspection/Maintenance Penalty Schedule.

ENFORCEMENT AGAINST STATIONS AND INSPECTORS

1. A penalty schedule to be used in the case of violations by individual inspectors and stations. The penalties escalate based upon the frequency

of commission and relative severity in terms of a violation's direct impact on the emission reduction potential of the program. Penalties shall take the form of suspension of license revocation with annual competency re-certification requirements.

2. Auditors are granted the authority to immediately suspend station and inspector licenses upon finding a violation. A formal hearing is conducted to evaluate evidence and determine penalty. The I/M program management shall record all enforcement activities, including all warnings, fines, suspensions, revocations and other notices of violation. At least once a year, the program shall compile summary statistics on its enforcement activities and report this information to the public and EPA.

3. In the case of inspector incompetence, the inspector is required to be retrained and must successfully demonstrate the ability to perform the test procedure prior to the restoration of testing privileges. For cases of inspector violations resulting from factors other than incompetence, the inspector shall be suspended from testing for a minimum of one month, with such suspension increasing with the severity and frequency of violation, leading ultimately to permanent license revocation.

**APPENDIX D
PENALTY SCHEDULE**

VIOLATION	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE	4TH OCCURRENCE
INTENTIONALLY PASSING A FAILING VEHICLE	6 MONTH SUSPENSION	REVOCATION		
FAILURE TO INSPECT	UP TO 6 MONTH SUSPENSION	REVOCATION		
NON-CERTIFIED INSPECTOR	UP TO 6 MONTH SUSPENSION	REVOCATION		
PASS A FAILING VEHICLE	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION	
FAIL A PASSING VEHICLE	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION	
FAILURE TO CALIBRATE OR OTHER PROCEDURES	FORMAL WARNING	UP TO 3 MONTH SUSPENSION	UP TO 6 MONTH SUSPENSION	REVOCATION
PERFORMING UNNECESSARY OR UNRELATED REPAIRS	1 MONTH SUSPENSION	3 MONTH SUSPENSION	REVOCATION	
INACCURATE OR INCOMPLETE DATA	FORMAL WARNING	UP TO 30 DAY SUSPENSION	UP TO 3 MONTH SUSPENSION	REVOCATION
OTHER APPROPRIATE WARNINGS, SUSPENSIONS, NEGOTIATED CONSENT AGREEMENTS, AND/OR REVOCATIONS AS DEEMED NECESSARY AND PRUDENT BY THE DIVISION				

All suspensions may be reduced in length by a negotiated consent agreement which may substitute monetary penalties for part or all of the suspension time. Negotiated Consent Agreements are only applicable in relation to suspension.