

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Environmental Quality

Agency and Division

OAR Chapter 340

Administrative Rules Chapter Number

Rule Caption:

Accelerated Phase-Out of the Enhanced Emission Test

In the Matter of:

Emission Control System Inspection, OAR 340-256-0300

Statutory Authority: ORS 468A.308 (1) (c)

Other Authority:

Statutes Implemented: N/A

Need for the Temporary Rule(s):

Phasing out the Enhanced test early is necessary to address safety concerns that have arisen during the replacement of Basic and OBD testing equipment in lanes that have Enhanced equipment. The change would result in a small increase in emissions, but would not affect attainment of air quality standards.

Documents Relied Upon:

In June 2005, a rule was adopted by the Environmental Quality Commission that allowed for the phase-out of the Enhanced testing method over a time span of 1½ years. The Vehicle Inspection Program Enhanced Test Phase-Out summary document highlights this rule change and the methodology used to develop the phase-out. This document is available for public inspection at the DEQ/VIP Technical Center, 1240 SE 12th Ave, Portland, OR 97214.

Approved on 7/15/05, Contract PA# 5118 between DEQ and SysTech International, speaks to the implementation of the newly procured Basic and OBD testing systems. This document is available for public inspection at the DEQ/VIP Technical Center, 1240 SE 12th Ave, Portland, OR 97214.

Justification of Temporary Rule(s):

The Commission finds that failure to adopt the temporary rule will result in serious prejudice to the public interest because it will have the following consequences:

The program will incur a cost of \$55,000 to mitigate safety concerns for a six-month period. The safety concerns arise from the deployment of new Basic and OBD test equipment in lanes with Enhanced test equipment. Delays in the installation of new Basic and OBD test equipment could lead to the shut down of lanes, which would result in increased wait times.

Inspectors and customers will experience difficulty with tests in these lanes due to congestion and inability to situate equipment as necessary. This would cause delays in testing.

Housing Cost Impacts:

The Department has determined that this proposed rulemaking will have *no effect* on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single family dwelling on that parcel.

Stephanie Hallock, Director
On Behalf of the Commission)

Date Signed

6/12/06