

State of Oregon
Department of Environmental Quality

Memorandum

Date: June 23, 2006

To: Environmental Quality Commission

From: Stephanie Hallock, Director

Subject: Agenda Item N: Temporary Rule Adoption—Accelerated Phase-Out of the Enhanced Emission Test, OAR Chapter 340, Division 256, June 22-23, 2006, EQC Meeting

Department Recommendation The Department of Environmental Quality (DEQ) recommends that the Environmental Quality Commission (EQC) adopt a proposed temporary rule to accelerate phase-out of the enhanced vehicle emission test in the DEQ Vehicle Inspection Program (VIP).

Background and Need for Rulemaking DEQ uses the following emission tests for vehicles in the Portland area:

- Basic test—1975 to 1980 model year vehicles
- Enhanced test—1981 to 1995 model year vehicles
- On-board diagnostics (OBD) test—1996 and newer vehicles

The majority of Portland vehicles tested are model year 1996 or newer and subject to the OBD test. Therefore, only a small segment of vehicles will be affected by accelerated phase-out of the enhanced test. Also, though emission testing occurs in the Medford area, the enhanced test was implemented in Portland only. Medford is not affected by the proposed rule change.

At the June 2005 EQC meeting, the EQC adopted rules to phase out the enhanced vehicle emission test, because it was technologically obsolescent; costly to upgrade and administer; offered minimal environmental benefit over other emission tests and was in use for only a small number of vehicles. Implementation plans included in the rule change involved shifting model year 1981 to 1995 vehicles from the enhanced test to the basic test according to the following schedule:

June 2005: 1981-88 model years begin receiving basic test
June 2006: 1989-92 model years begin receiving basic test
January 2007: 1993-95 model years begin receiving basic test

During the planned phase-out of the enhanced test, the basic and on-board diagnostic (OBD) emission tests were slated for software and equipment

upgrades. Based on contractor projections that physical upgrades would be minimal, DEQ planned to operate the updated basic and OBD tests in the same lanes as enhanced tests until the enhanced test was fully phased-out in January 2007. However, physical upgrades to the basic and OBD test systems have proved more complex than projected.

Technicians had projected that new basic and OBD test equipment could be installed in the analyzer rooms away from inspector booths, but later discovered that long hoses transporting emission samples to the analyzer seriously slowed the testing process and impacted customer service. As a result, analyzers were installed in the inspector booth area where the enhanced equipment has not yet been removed. Safety issues have arisen as a result of equipment crowding in the testing booths, and wiring is creating tripping hazards for inspectors and the public.

To mitigate the safety concerns would cost more than \$55,000. In order to create a safe work environment without this expense, DEQ is proposing a slightly accelerated phase-out of the enhanced test to allow for removal of enhanced test equipment and completion of upgrades to the basic and OBD tests.

As of July 2006, only vehicles from model years 1993 -1995 will still be subject to the enhanced test under the current rule. The proposed temporary rule would compress the last two steps of the phase-out into one, so that 1993-1995 model year vehicles would move to the basic emission test on July 5, 2006, instead of January 1, 2007, completely eliminating the enhanced test six months ahead of schedule.

Effect of Rule

The primary difference between the basic test and the enhanced test is that the basic test does not measure oxides of nitrogen (NOx) and emission system performance under load. DEQ estimates that—as a result of DEQ accelerating the phase-out of the enhanced test—3,000 1993 -1995 vehicles (0.3% of approximately one million emission certificates issued each registration cycle) that would have failed the enhanced emission test would pass the basic emission test between July 5, 2006, and January 1, 2007. The resulting increase in emissions during that six month period would be minimal—a 0.25% increase in vehicle hydrocarbon emissions and a 0.63% increase in vehicle nitrogen oxide emissions. The Portland-Vancouver ozone maintenance plan update (currently on public notice until July 14, 2006) includes a demonstration that the slight increase in emissions will not affect attainment of air quality standards in Oregon.

The early phase-out would allow DEQ to properly install previously purchased basic and OBD test equipment, avoid the risk of service

interruption, and remove safety hazards without costly, short term modifications to the enhanced test lanes.

Commission Authority	The EQC is authorized under ORS 468A.380(1)(c) to “establish criteria and examinations for the testing of motor vehicles.”
Stakeholder Involvement	None
Public Comment	None
Next Steps	If the temporary rule is adopted, DEQ will remove the enhanced testing equipment from the lanes on July 5, 2006. Once the enhanced testing equipment is removed, DEQ and SysTech International, the contractor installing the new basic and OBD testing equipment, will begin installation of new equipment into the previously occupied enhanced testing lanes. At that point, all vehicles 1975 – 1995 would be subject to the basic emission test and all vehicles 1996 and newer would be subject to the OBD emission test.
Attachments	A. Proposed Rule Revisions (red-lined) B. Statement of Need and Justification
Available Upon Request	1. <i>Agenda Item D, Rule Adoption: Vehicle Inspection Program Enhanced Test Phase-out, OAR Chapter 340, Division 256, June 23, 2005, EQC Meeting staff report</i> 2. Contract between DEQ and SysTech International Contract PA 5118

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