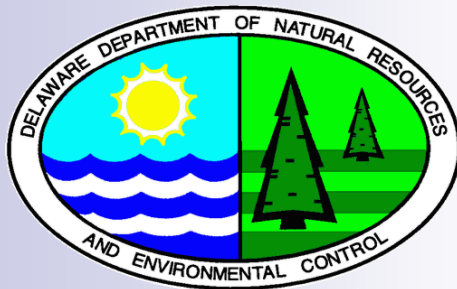


# 7 DE Admin Code 1131 and the State Implementation Plan – Plan for Implementation

## *Low Enhanced Inspection & Maintenance Program*



## Public Hearing

April 2, 2012

*Blue Skies Delaware; Clean Air for Life*

# ***Clean Air Act – Ozone Standards***



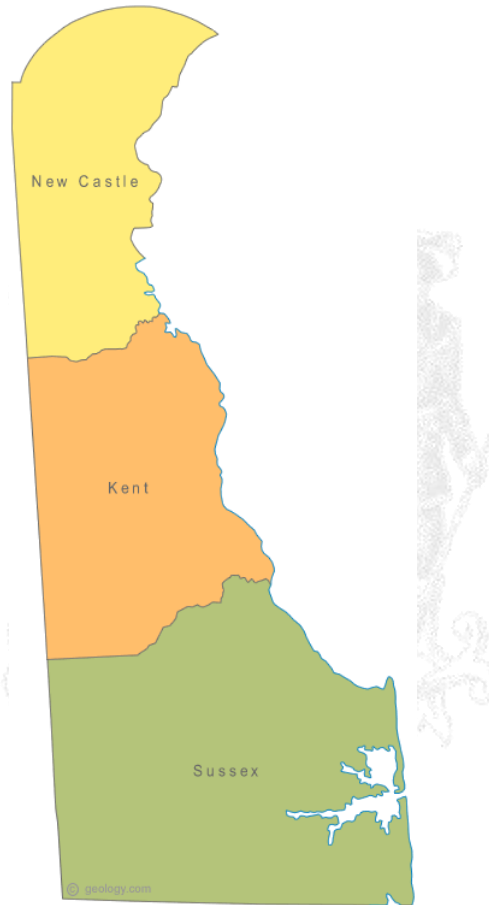
- Under the Clean Air Act certain ozone nonattainment areas are required to adopt vehicle Inspection & Maintenance (I/M) programs as one of the mandatory control measures used to reach attainment.
- USEPA designated Delaware as an ozone non-attainment area in 1991.
- Delaware's vehicle inspection and maintenance programs (I/M) in place since 1980 (New Castle) and 1991 (Kent & Sussex) has helped to improve air quality by identifying high-emitting vehicles in need of repair and causing them to be fixed as a prerequisite to vehicle registration.



# Regulating Vehicle Emissions



**Air  
Regulation  
1131**



**In  
Kent and  
New Castle  
Counties**



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# ***Delaware's Low Enhanced Inspection and Maintenance Program Elements:***

- The Division of Motor Vehicles performs the exhaust emissions test that analyzes the vehicle's exhaust along with the test of the fuel system for leaks.
  - The newest 5 model years are exempt from inspection.
  - Gasoline-powered automobiles and light trucks
    - model years 1996 and newer received the On-Board Diagnostic (OBD-II) test.
    - model years 1981 and 1995 receive a low and high speed (two-speed) exhaust emissions test.
    - model year 1980 and older receive the curb idle tests.
  - Diesel fueled vehicles
    - model year 1997 and newer must pass an OBD-II test.
    - model year 1996 and older are currently exempt from exhaust emissions testing but must pass safety testing for registration renewal.



# Senate Bill 215



- On June 15, 2010 Delaware's governor signed SB 215 as presented by the 145th Delaware General Assembly.
- SB 215 provides an exception to Title 21 vehicle registration requirements for vehicles being driven on Delaware highways by **Delaware Emission Education Program** ("DEEP") certified emission repair technicians during drive cycle testing.
- SB 215 also added to Title 7 a new section 6709, Permits for operation of motor vehicles during testing. Section 6709 provides for this vehicle registration exception to be administered by DNREC through the establishment of a new permitting program.



# *Delaware Emissions Education Program*



- Becoming a **Certified Emission Repair Technician** required an applicant to either have the **L1 ASE(Automotive Service Excellence) certification**
- **OR** to take the **Fundamental Inspection Repair System Training/Emission Education Program** certification exams and/or training provided by the Department in conjunction with the Delaware Technical and Community College in Stanton.
- Unfortunately due to budgetary and administrative constraints at the College, the **DEEP training program is no longer available** to train automotive emission repair technicians.



# ***SB 215 Workgroup***

- As a result, the Department researched alternative third party training and certification programs available for automotive repair technicians.
- In consultation with the Delaware Automotive Repair Professionals Association, the Department has chosen to rely on the National Institute of Automotive Service Excellence (ASE) testing program for certifying automotive repair technicians.



# ***National Institute of Automotive Service Excellence (ASE)***



- In consultation with the Delaware Professional Automotive Repair Association, the Department is proposing to continue to rely on the National Institute of Automotive Service Excellence (ASE) testing program for certifying automotive repair technicians.
- ASE is an independent, non-profit organization that has worked since 1972 to improve the quality of vehicle repair and service by testing and certifying repair and service professionals.
- By selecting ASE certification, the Department provides car-owners with the ability to find Certified Technicians who have proven to be knowledgeable professionals in the emissions repair field.





# ***Advanced Engine Performance Specialist Certification Test (L1)***

- **Objective:** To identify those Technicians who possess knowledge of the skills required to diagnose sophisticated driveability and emissions-related problems on automobiles, SUVs, and light-duty trucks.
- **Test Content:** The Advanced Engine Performance Specialist (L1) test contains 50 scored questions focused on the diagnosis of general power-train, computerized power-train controls (including OBD II), ignition systems, fuel and air induction systems, emission control systems, and I/M test failures.
- **Composite Vehicle:** Many of the questions relate to a sample vehicle using a composite power-train control system featuring computerized engine control technology used by most manufacturers.
- **Prerequisite:** You must be **currently certified in Automobile Engine Performance (A8)**, and satisfy the **two-year hands-on work experience requirement** in order to register for the L1 test.
- **Recertification:** Technicians must **retest every five years to retain their certification**. The Advanced Engine Performance Specialist recertification test (L1R) is the same length as the initial certification test. Note that you must also be currently certified in Automobile Engine Performance (A8), and satisfy the two-year hands-on work experience requirement in order to register for the L1R test.



# ***Alternatives are available...***

- In addition to ASE training and certification, the Department will accept training that is deemed equivalent.
- Examples may include Original Equipment Manufacturers (OEM) training and certification if it meets a reasonable minimum standard.



# ***Linking the DEEP Certification to the SB215 Permit***

- Combine the DEEP certification process
  - Submit the appropriate credentials for DEEP certification and
  
- Receive the SB215 Permit for a 5-year term
  - That permits DEEP certified emission repair technicians to drive cycle test unregistered vehicles.



# Certified Emission Repair Technicians

- In order to maintain certification as a certified emissions repair technician, each technician will be required to **obtain ASE-L1 certification (Advanced Engine Performance Specialist Certification)**.
- Automotive repair technicians **currently certified by the DEEP program** will be **grandfathered for a period not to exceed 5 years** or less if they also hold a current ASE-L1 certification.
- Technicians with current ASE-L1 certification shall be issued a permit for the term of the current ASE-L1 certification. **The estimated cost of obtaining the ASE-L1 certification test is approximately \$60.**
- Information on the ASE-L1 certification is available at the ASE website: <http://www.ase.com/>



# ***Section 8.0 Certified Emission Repair Technicians***

Applicability: Statewide, all certified emission repair technicians.

- 8.1 Emission Repair Technician Certification Process.
- 8.2 Vehicle On-Board Diagnostic Testing Permit
- 8.3 Permit and Certified Emission Repair Technician Application
- 8.4 Permit and Certified Emission Repair Technician Certification Fees



# ***Proposed Amendments to Regulation 1131 and the PFI***

- The USEPA requires states with Inspection and Maintenance programs to meet the requirements of **40 CFR 51.350** via a document called
  - Inspection and Maintenance State Implementation Plan – **Plan for Implementation (PFI)**
  - The PFI is the document that describes “HOW” the Department will implement the I/M program in Delaware.
- In addition to addressing the requirements of SB215 the Department is proposing to **re-format and reorganize Regulation 1131** by relocating portions of the current language in the regulation to the PFI.
- **Re-formatting and reorganization** will provide an easier to understand regulation.
  - The text that relocated to the PFI bears no requirements or has any impact on the regulated community and will enhance an individual and/or small business’ understanding of Regulation 1131.



# So....*what did we do...*

- Exhibit 30 – provides a cross reference for the sections that were re-located in the proposed regulation and the proposed PFI.

PROPOSED Language Changes By Section for Regulation 1131

CURRENT Regulation 1131	PROPOSED Regulation 1131	PROPOSED PFI
1.0 Applicability	1.0 Purpose PROPOSE new first paragraph for purposes of clarity.	
1.1 This program shall be known as....	1.0 Purpose Moved to second paragraph	
1.2 This regulation shall apply to....	2.0 Applicability and General Provisions 2.1 Applicability 2.1.1 NEW Language	
1.3 Zip Codes for New Castle and Kent County	DELETED Zip Codes See 2.1.1	
1.4 Legal Authority		MOVED TO PFI Section 6



# ***Plan for Implementation***

Section 1 - Applicability.

Section 2 - Low Enhanced I/M performance standard.

Section 3 - Network type and program evaluation.

Section 4 - Adequate tools and resources.

Section 5 - Test frequency and convenience.

Section 6 - Vehicle coverage.

Section 7 -Test procedures and standards.

Section 8 -Test equipment.

Section 9 - Quality control.

Section 10 -Waivers and compliance via diagnostic inspection.

Section 11 - Motorist compliance enforcement.

Section 12 - Motorist compliance enforcement program oversight.

Section 13 - Quality assurance.

Section 14 - Enforcement against motor vehicle technicians.

Section 15 - Data collection.

Section 16 -Data analysis and reporting.

Section 17 -Motor Vehicle Technician training and certification.

Section 18 -Public information and consumer protection.

Section 19 -Improving repair effectiveness.

Section 20 -On-road testing.

Section 21 -Implementation deadlines.





# DNREC's Proposed Regulation 1131

- A **workgroup** was formed with representatives from the Delaware Automotive Service Professionals Association, DelTech and DNREC
- Regulation 1131 Section 8.0 draft was presented at three **public workshops** held in March 2011
- Proposed Regulation 1131 appeared in the March 1, 2012 **Delaware Register of Regulations**



Office of the Registrar of Regulations,  
Legislative Council,  
State of Delaware



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# ***SB 215 Workshops***

- Three Workshops / One in each County
  - Kent, DelTech Terry Campus on March 28, 2011
  - Sussex, DelTech Georgetown Campus on March 29, 2011
  - New Castle, DelTech Stanton Campus on March 30, 2011
  
- Presentation on the proposed language for Certified Emission Repair Technicians
  
- Overview of the changes suggested to simplify the regulatory language and move certain sections to the Plan for Implementation



**In closing**

**The Department**

**Would like to add**



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# The Department Exhibits

The Department offers

- **33 exhibits** and asks that they be incorporated into the hearing record as DNREC Exhibits 1 through 33
- **DNREC Exhibit 1** provides a description of each of these exhibits
- **DNREC Exhibit 33** has also been included in public hearing handouts for the benefit of those attending tonight's public hearing



# The Department's Exhibits Demonstrate

The Department has

- **Met the Statutory and Departmental** requirements throughout the amendment of Regulation 1131
- **Maintained open communications** with the potential affected source throughout the amendment process
- **Provided the public** with complete, timely information through the Regulation 1131 Regulatory Web Page



For the latest information,  
follow the ongoing amendment on  
**Regulation 1131 Regulatory Web Page**

<http://www.dnrec.delaware.gov/whs/awm/Info/Regs/Pages/R1131SB215.aspx>



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