

WEBER-MORGAN HEALTH DEPARTMENT

Regulation for

**MOTOR VEHICLE
INSPECTION AND MAINTENANCE PROGRAM**

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Under Authority of Section 26A-1-121, 41-6a-1642 and 41-6a-1643 Utah
Code Annotated, 1953, as amended; and
Section 14-4-3 Weber County Ordinances

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WEBER-MORGAN HEALTH DEPARTMENT**

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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 that 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, piston ring-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 is 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 re-circulates 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 an 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 an 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 or Specially Constructed Vehicle**” 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 that 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 “**EM**” 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 that 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 “**Re-inspection**” 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 vehicle’s owners manual. Also, engine modification 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 [A]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 tester/technician or other individual at the station is in violation of this regulation and:

4.2.1.1 The I/M Station Owner or other responsible person had knowledge of the inspector's violation; or

4.2.1.2 The I/M Station Owner or other responsible person had no direct knowledge of the violation but is found to be careless in the oversight of the inspector; or

4.2.1.3 The station has a history of violations;

4.2.2 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;

4.2.3 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;

4.2.4 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;

4.2.5 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;

4.2.6 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);

4.2.7 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;

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

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

4.2.10 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;

4.2.11 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;

4.2.12 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;

4.2.13 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;

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

4.2.15 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.

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 agree to an administrative monetary settlement such as a negotiated 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 re-inspection, 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 [A]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 re-inspection 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 re-inspection 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, hang up, 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.

8.1.6.1 The Department shall not approve any application for issuance or renewal of a Permit for an existing I/M Program Station that is under suspension until the date that the suspension has expired.

8.1.6.2 The Department shall not issue a Permit to a new owner of any Station where a Permit has been revoked prior to twelve months from the date of revocation.

8.1.6.3 If the property referenced in 8.1.6.1 or 8.1.6.2 is sold or leased to a new person that wants to open as an approved I/M Program Station, the new owner or lessee may petition the I/M Advisory Committee for a recommendation to the Department for a waiver from Sections 8.1.6.1 or 8.1.6.2 above based on a Departmental approved consent agreement. If the I/M Advisory Committee recommends a waiver then the new owner or lessee may negotiate a consent agreement with the Department for the remainder of the suspension referenced in 8.1.6.1 or the twelve month waiting period as required in Section 8.1.6.2.

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 ignition timing light (test and repair only);
- (c) Reference manuals (printed or electronic) approved by the Department that are readily accessible to the emissions tester/technician at any time that an emissions test is conducted. Reference manuals shall 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;

(d) Sufficient hand tools for proper performance of the inspection and minimum repairs and maintenance as required by the Department;

(e) Department approved calibration gases;

(f) The Analyzer manufacturer's maintenance and calibration manual, which must be retained in the inspection area;

(g) All forms, technical bulletins, a copy of this Regulation, and other information materials provided by the Department;

(h) A suitable non-reactive tailpipe extender or suitable probe adapter for inspecting vehicles with screened or baffled exhaust systems; and

(i) 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 Emission 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 or Revocation 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 Reinstatement of Revoked I/M Program Station Permit. The Department may issue an I/M Program Station Permit to a station operator that has had a permit revoked after the following conditions have been met:

8.7.1 A minimum of five years has past since the date of revocation for the previous permit;

8.7.2 The station operator has not previously had 2 or more permits revoked. Operators with 2 or more revoked permits are not eligible to make application for an I/M Program Station Permit;

8.7.3 The station operator agrees to a 2 year probationary period.

8.7.3.1 During the probationary period, the operator agrees to surrender their permit should any violations occur that result in suspension or revocation. Failure to surrender the permit will result in immediate revocation of the permit by the department;

8.7.3.2 During the probationary period, the operator agrees to an increased frequency of overt and covert audits as deemed necessary by the department;

8.7.4 The station operator will pay a non-refundable, Revoked I/M Program Station Reinstatement Fee of \$2,500.00 to the department.

8.8 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 41E Fahrenheit and 110E Fahrenheit (2E Celsius and 43E 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 and the vehicle in Idle Mode (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 two hundred fifty dollars (\$250) 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 two hundred fifty_dollars (\$250) 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, or is not an ASE Master Technician Certificate holder, or a manufacturer specific master technician certificate holder, employed by an I/M Program Test and Repair Station, the cost of labor may not be included in the two hundred fifty dollars (\$250).

9.20.3 For 1981 to 1989 model year motor vehicles, at least three hundred fifty dollars (\$350) 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 three hundred dollars (\$350) 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, or is not an ASE Master Technician Certificate holder, or a manufacturer specific master technician certificate holder, employed by an I/M Program Test and Repair Station, the cost of labor may not be included in the three hundred fifty dollars (\$350).

9.20.4 For 1990 and newer model year vehicles, at least four hundred fifty dollars (\$450) of acceptable emissions related repairs have been performed by a Certified Emissions Repair Technician as part of the four hundred fifty_dollars (\$450) 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, or is not an ASE Master Technician Certificate, or a manufacturer specific master technician certificate holder, employed by an I/M Program Test and Repair Station, the cost of labor may not be included in the four hundred fifty dollars (\$450). 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.

9.20.7 A Certificate of Waiver shall only be issued once to any vehicle that qualifies, throughout the lifetime of the vehicle.

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 an 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.

11.7 Specially Constructed Vehicles or Kit Cars must be inspected by the Department and are not eligible for a waiver.

11.7.1 These vehicles shall meet the minimum HC and CO standards for the model year of the vehicle according to the vehicle's title in order to receive a certificate of compliance with the following exceptions:

11.7.1.1 The vehicle may be tested according to the year of the vehicle's engine, provided the owner can prove the actual model year of the engine to the satisfaction of the department.

11.7.1.2 Documentation must include a signed affidavit from a certified test and repair emissions technician or Department staff at the owner's expense, stating inspection and verification of block casting numbers and head casting numbers. Reference materials used to verify engine age must be provided with affidavits.

11.7.1.3 Engine model years 1967 or older shall be tested according to 1968 standards.

11.7.1.3 All emissions related components shall be installed as to the original configuration of the engine model year.

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 Analyzer, 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 converter;
 - 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/Technician 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.

12.6 Reinstatement of Revoked Emission Repair Technician Certificate of Qualification. The Department may issue an Emission Repair Technician Certificate of Qualification to a tester/technician that has had a certificate revoked after the following conditions have been met:

12.6.1 A minimum of five years has past since the date of revocation for the previous Tester/Technician Certification;

12.6.2 The tester/technician has not previously had 2 or more certifications revoked. Tester/technicians with 2 or more revoked certifications are not eligible to make application for a Tester/Technician Certification;

12.6.3 A complete review of the tester/technician testing history will be conducted. A finding of 25 or more test records that indicate a failure to inspect or substitution of a vehicle other than the vehicle on the test record will result in the denial of the application.

12.6.4 The tester/technician agrees to a 2 year probationary period.

12.6.4.1 During the probationary period, the tester/technician agrees to surrender their certification should any violations occur that result in suspension or revocation. Failure to surrender the permit will result in immediate revocation of the permit by the department;

12.6.4.2 During the probationary period, the tester/technician agrees to participate in a testing record and overt testing procedure review

once a quarter for the first year, and on six month intervals the second year;

12.6.4.3 During the probationary period, the tester/technician agrees to participate in additional trainings or audit procedures deemed necessary by the department;

12.6.5 The tester/technician will pay a Revoked Emission Repair Technician Certificate of Qualification reinstatement fee of \$400.00 to the department.

12.6.5.1 The fee will include tuition costs and associated materials for required trainings.

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 a 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 consent 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.

Amended May 12, 2003

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

Amended and Adopted April 23, 2007

Amended and Adopted February 25, 2008
Amended and Adopted November 24, 2008
Amended and Adopted August 22, 2011
Amendments to Regulation and Appendices shall become effective the day of
adoption by the Board of Health.

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 fees for implementing the requirements of the Vehicle Emission Inspection and Maintenance Program are contained in the current Weber-Morgan Health Department Fee Schedule available at 477 23rd Street, Ogden, Utah or online at the Department Web Page: www.webermorganhealth.org then Click on Administration then Fees

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

VIOLATION *	1 ST OCCURRENCE *	2 ND OCCURRENCE *	3 RD OCCURRENCE *
Failure to Inspect or substituting a vehicle other than the vehicle entered in test record.	6 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	6 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician	
Non-certified Tester/Technician performing inspection or gained access to the official testing portion of the Analyzer. Certified Tester/Technician signed an inspection certificate stating that he/she had performed the emissions test when, in fact, he/she did not.	3 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	3 Month Suspension Tester/Technician who's # was used	6 Month Suspension Tester/Technician who's # was used	Revocation Tester/Technician who's # was used
Fail a Passing Vehicle/Pass a Failing Vehicle (including tampering portion of inspection).	Formal Warning Station	3 month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Formal Warning Tester/Technician	3 Month Suspension Tester/Technician	Revocation Tester/Technician
Failure to Comply with Proper Test Procedures.	Formal Warning Station	3 month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician
Passing Covert Audit Vehicle † (see Covert Audit – Station Responsibility) †† (Covert Audit Occurrence Reset)	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician
The station was or is not equipped as required by Section 8.0 of the Regulation.	Formal Warning Station	Suspension Station until properly equipped	
Performing Unnecessary or Unrelated Repairs.	Formal Warning Station	3 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician
Falsifying any inspection or official document of the Vehicle Emissions Inspection and Maintenance Program.	6 Month Suspension Station	12 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	6 Month Suspension Tester/Technician	Revocation Tester/Technician	
The I/M Program Station or Technician denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours.	6 Month Suspension Station	Revocation Station	
	6 Month Suspension Tester/Technician	Revocation Tester/Technician	

Station or Tester/Technician has violated any other provisions of the I/M Regulation, any State Rule or Law, County Ordinance or Department policy dealing with the I/M Program.	Up to 6 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1 st occurrence
	Up to 6 Month Tester/Technician	6 Month Suspension Tester/Technician	Revocation Tester/Technician
Inaccurate or Incomplete Data.	Formal Warning Station	1 Month Suspension Station	3 Month Suspension Station if within 2 years of 1 st occurrence
	Formal Warning and mandatory training Tester/Technician	1 Month Suspension and mandatory training Tester/Technician	3 Month Suspension Tester/Technician if within 2 years of 1 st occurrence

*Other appropriate warnings, suspensions, negotiated consent agreements, and/or revocations as deemed necessary and prudent by the department.

Negotiated Consent Agreements

Initial Tester/Technician and/or Station suspensions may be reduced in length by a Negotiated Consent Agreement that may substitute monetary settlements for part or all of the suspension time for each violation incurred under the penalty schedule. Consent Agreements for stations shall be based on 50% of the maximum emission inspection fee multiplied by the actual number of Certificates of Compliance issued during the equivalent suspension time frame prior to the violation. Consent agreements shall not exceed \$1,667.00 for every 30 day period contained within a suspension, and shall have a maximum amount of \$10,000.00 for a six month suspension. Consent agreements for the tester/technician shall be based on \$100 increments for any 7 day period or portion thereof up to a maximum of 180 days. Negotiated Consent Agreements are only applicable in relation to suspension.

Subsequent violations under each violation category are not eligible for negotiated consent agreements.

†Covert Audit – Station Responsibility

The owner/operator has a responsibility to provide a working environment to the tester/technician conducive to performing complete and thorough emissions tests. Owner/Operators whose technicians fail to perform correctly on covert audit suspensions will receive a written warning for each violation and will receive a three month suspension after three written warnings. Subsequent violations may result in additional suspensions or revocation.

††Resets Based on Successful Completion of Covert Audits

A covert audit violation occurrence will be removed from a station record when two sequential covert audits are completed successfully and without deficiencies.

A covert audit violation occurrence will be removed from a technician record when two sequential covert audits are completed successfully and without deficiencies by that technician.

Explanation of Occurrence Resets Based on Time Allowance

The penalty schedule allows for some types of violations to be removed from a Station record 2 years after the date of that occurrence. When an occurrence is removed, subsequent occurrences will be

moved back on the penalty schedule in the appropriate category (i.e. second occurrence now becomes the first occurrence). A Station will clear its' record in a specified category by going two consecutive years without committing any of that type of violation.

Sections 4.2.1.1 and 4.2.1.2

The Department encourages each I/M Station to develop a Quality Assurance Program within their organization. This program should implement a process designed to minimize the station's exposure under the penalty schedule by providing oversight of the tester/technician's activities and verifying that each emissions test is conducted according to this regulation.

The Department assumes the Station Owner, a Station Manager or an employee acting in a supervisory position to be a "responsible person" under Sections 4.2.1.1. and 4.2.1.2. Penalties will be imposed on the Tester/Technician and the Station when employees in management or supervisory type positions commit violations.

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. Verify vehicle information and owner information matches paperwork;
2. Accurately enter information into analyzer at the required prompts;
3. Review the information entered into data review screens and make corrections if needed;
4. **Perform Visual Tampering Inspection of all emission control devices;**
5. If there is not a Technical Service Bulletin (TSB) for the vehicle being tested, continue with the OBDII test.
6. If there is a TSB, enter the correct number for the vehicle. This will allow known problem vehicles (i.e. 1996 Subaru, 1996-1998 Mitsubishi, 1996 Volvo 850 (turbo only) See official list from the department) to bypass the OBDII test;
7. Turn ignition key to the off position;
8. Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the analyzer;
9. Turn ignition to the ON position;
10. **Check for Malfunction Indicator Light (MIL) function;**

MIL IS WORKING

Select **YES** and continue test;

MIL IS NOT WORKING

Select **NO** and continue test;

11. Start the vehicle;
12. The analyzer will communicate with the vehicle and read fault codes and readiness status;
13. When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;
14. If the MIL is functioning correctly and the readiness monitors are set correctly, the vehicle passes the OBDII test.
15. If the MIL is not functioning the vehicle fails the OBDII test and requires repair;
16. If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be investigated and diagnosed for repairs.
17. If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors.