

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF REGULATORY AFFAIRS**

**INTRA AGENCY MEMORANDUM**

**TO:** File

**FROM:** Mary E. Major  
Environmental Program Manager

**SUBJECT:** Meeting Minutes - Regulatory Advisory Panel (RAP) Concerning Clean Screen (Rev. MN)

**DATE:** June 26, 2012

INTRODUCTION

At 9:30, June 25, a meeting of the regulatory advisory panel concerning an on-road clean screen program for the control of motor vehicle emissions in Northern Virginia was held in the Department of Environmental Quality, Conference Room A, 629 E. Main Street, Richmond, Virginia. A list of RAP meeting attendees follows:

RAP Members

Scott Brown- Virginia Automotive Association (VAA)  
Bill Dell – SysTech International LLC  
Bo Keeney-VAA  
Bruce Keeney – Virginia Gasoline Marketer’s Council (VGMC)  
Drew Rau – Environmental Systems Products (ESP)  
Alexander Macaulay (alternate for Michele Satterlund) – Macaulay & Burtch  
William McGillicuddy (VGMC)  
James Valerio, Envirotest  
James Wacker-Chantilly Steering  
James Wilson-Citizen

DEQ Staff

Mary E. Major  
Rich Olin  
Mike Thompson

NOTE: The following RAP members were absent from the meeting: Mike Thompson (DEQ).

## SUMMARY OF DISCUSSION

The meeting was called to order at 9:35 a.m. Mary E. Major (DEQ) welcomed the Clean Screen RAP members to the meeting and discussed some general meeting logistics.

Ms. Karen Grim and Mr. David Mitchell, Assistant Commissioners for the Department of Motor Vehicles (DMV) addressed the members and answered questions concerning the role of DMV in the operation of the current and new clean screen program. Key issues included the following:

- DMV has neither the authority to collect the funds, nor notify vehicle owners that will be eligible for clean screen.
- Paper renewal notices are sent out 90 days prior to the registration expiration month. DMV also notifies customers through text and email notification 30 days prior to the expiration month.
- DMV will continue to work closely with DEQ to ensure that all appropriate data information necessary for the implementation of the clean screen is fully implemented according to the legislative requirements. No problems are anticipated given the increase volume of vehicles to be cleaned screened.

Ms. Major addressed an issue that was unresolved from the previous meeting regarding the scope of the regulatory amendments. She indicated that DEQ will proceed with regulation development for the on-road testing of cars via remote sensing that is not technology specific but will address two technologies – as those are the only technologies known to the RAP. One of the technologies uses infrared, ultraviolet or other gas concentration measuring devices hereafter referred to as infrared testing. The infrared test measures the ratio of carbon monoxide, exhaust hydrocarbons and nitrogen oxide emissions to carbon dioxide emissions as a vehicle drives through an infrared and an ultraviolet light beam. Calculated emission concentrations are then compared to the ASM 2525 emissions standards. The other technology, OBD III, utilizes on-road wireless connection with the vehicle's on-board diagnostic system. The OBD system monitors codes for many different emission-related components on the vehicle; when an emissions-related failure of any monitored component is diagnosed, the malfunction indicator light is commanded "on". There was significant debate and discussion among the group as to whether the General Assembly specifically intended that a particular technology be used for the clean screen program.

Mr. Olin (DEQ) provided a review of the information contained in both Table III-B –High Emitter Exhaust Emission Values for Remote Sensing, and Table III-C –On road Clean Screen Standards of the draft regulation. It was explained that the department intended to maintain the aspect of the current high emitter identification program where approximately 15% of the vehicle population is on-road tested to identify vehicles which have very excessive emissions. These vehicles are referred to as "high emitters". The values listed in Table III-B are multiplied by the appropriate (ASM 2525 standard) for a

particular vehicle to identify vehicles with extremely high emissions. Vehicle owners are then notified so that out of cycle repairs can be made. The vehicles determined to be high emitters will not be included in the maximum annual percentage of vehicles eligible for clean-screen tests for a chargeable inspection under the enhanced emissions inspection program but will be utilized for program validation purposes.

Ms. Major distributed an outline of discussion points for clean screen selection criteria. The outline contained three key provisions:

1. On-road test for infrared measuring devices,
2. On-road test using OBD, and
3. On-road test using other technologies approved by the director determined to be equivalent to items 1 or 2 above.

The RAP indicated that item three should not be included in any draft amendments.

Significant discussion centered on the need to develop specific performance standards for both types of on-road testing. It was suggested that performance standards for infrared remote sensing can be based on the California OREMS-J standards and that performance standards for OBDIII can be based on the US EPA Guidance for OBD Continuous Monitoring. One possibility is to include both standards in the regulations by reference. It was agreed that there needed to be a reference to legislative requirements addressing the most recent 2 (or 4) model year exemption.

The RAP did agree that there were two distinct sets of criteria to be determined for the clean screen program: (i) criteria to determine which vehicles are eligible to be selected for a clean screen test and (ii) the selection criteria for the eligible vehicles. Significant discussion centered on the need to develop specific performance tests for both types of on-road testing with the understanding that there would be model year exemption base upon legislative requirements ,i.e. most recent two or four model years. Mr. Dell agreed to provide the EPA guidance document for OBD remote testing and though the group did not reach consensus as to whether OBD III should be considered a viable technology for the clean screen program, consensus was achieved as to what vehicle selection criteria could be used to select vehicles from the pool of eligible vehicles:

- The OBD system must not indicate any current malfunction codes,
- The OBD system must not indicate any monitors are not ready,
- The OBD system must indicate all expected monitors for the vehicle model are supported,
- The on-road wireless connection shall meet all US EPA quality control guidelines.

Lunch break 12:00 noon.

Meeting reconvened at 12:50.

Ms. Major explained the difficulty in locating meeting space in Northern Virginia for the next RAP meeting. It was agreed that the RAP would meet in Richmond on July 9 and

10 with the hope of completing work during that two-day session. If another meeting is required, it will be on the 18<sup>th</sup> of July in Northern Virginia.

The RAP had significant discussions pertaining to how one would determine which vehicles could be eligible for a clean screen test. No consensus was achieved as to whether a vehicle that had been clean screened for its last inspection could be eligible for another clean screen test, however, the RAP did reach consensus for the following vehicle qualifying criteria:

- The vehicle must have passed the most recent initial emissions test, and
- The vehicle must not have failed any clean screen evaluation since the last emission test.

There was significant discussion as to what is the appropriate period for a test to remain valid as in some cases two readings would be required for the vehicle to be selected for a clean screen test. It was posed that the same valid test period should apply regardless of the test used as currently any test conducted within the service bay are only valid for three months. Open issue: How does EPA's MOVES model account for how much time a vehicle owner is allowed to perform their emissions test before registration renewal (i.e, will any decision on this issue affect the SIP credit for the Northern VA vehicle emissions inspection program)?

The RAP reviewed the draft#2 document. Key recommendations included:

- ASM 50-15 equipment and ASM test should be two separate definitions.
- Define "High emitter value" to clarify Table III-B
- Clarify definition of "inspection area"
- Clarify "Low emitter index"
- Clarify 9VAC5-91-30 A 3. "...enhanced emissions inspection program which includes on-road testing through a clean screen program".
- Clarify 9VAC5-91-740 M "validation program includes the 2% vehicle selected to evaluate the clean screen program."

Meeting adjourned at 3:00 PM.

## CONSENSUS ITEMS

- The Director will not have discretion to consider other equivalent technologies.
- Performance standards need to be included for the clean screen program.
- Legislative citation will be used to address the model year exemption.
- .There are two distinct sets of criteria to be determined for the clean screen program:
  1. Criteria to determine which vehicles are eligible to be selected for a

clean screen test, and

2. The selection criteria for the eligible vehicles.

• If OBD III be is to be considered a clean screen technology, the vehicle selection criteria used to select vehicles from the pool of eligible vehicles should be the following:

1. The OBD system must not indicate any current malfunction codes,
2. The OBD system must not indicate any monitors are not ready,
3. The OBD system must indicate all expected monitors for the vehicle model are supported,
4. The on-road wireless connection shall meet all US EPA quality control guidelines.

### DOCUMENT DISTRIBUTION

The following documents were distributed to the panel prior to or at the meeting:

1. Draft #2 of proposed amendments to Chapter 91 for implementing the Clean Screen Program
2. Outline of Discussion Points for Clean Screen Selection Criteria
3. Page 319 from 40 CFR Parts 85 to §86.599-99 containing the definition of "emissions related information".

TEMPLATES\PROPOSED\RP07a  
REG\DEV\MN-RP07a-2

Attachments