

---

# ***OAR Box 1170***

*Prepped by Ollie Stewart*

---

*Document Number:*

**96) II-B-1**

---

*Docket Number:*

**A-88-26**

MEMORANDUM

SUBJECT: I/M Programs and the 1988 Corrective SIP Calls

FROM: Richard D. Wilson, Director  
Office of Mobile Sources

TO: Air Management Division Directors  
Regions 1, 3, 5, 9

Air and Waste Management Division Director  
Region 2

Air and Toxics Division Directors  
Regions 7, 8, 10

Air, Pesticides, and Toxics Management Division  
Directors, Regions 4, 6

This memo provides guidance on how I/M and antitampering (ATP) programs should be addressed in the detailed letters which you will soon send to each State Air Program Director. The issue addressed is the kinds of I/M or ATP problems which should be considered deficiencies requiring corrective action in the form of a SIP revision.

In general, design problems that would prevent approval of the program under established and documented EPA policy should be included in the list of deficiencies that must be corrected. EPA policy requirements are contained in a series of memos, with the most comprehensive ones being a memo from David Hawkins to the Regional Administrators dated July 17, 1978, and a memo from Michael Walsh to the Air Division Directors dated January 19, 1981. Copies of these can be provided if you need them. The requirements were originally devised to provide reasonable prospects for successful I/M-ATP program operation.

My staff has identified potential and actual SIP deficiencies and unfulfilled commitments for inclusion in the letters. The list and a detailed discussion of the deficiencies appears in Attachment One. If you are aware of other candidates for inclusion or would like to discuss those already listed, your staff should contact Phil Lorang or Jane Armstrong to discuss them. We do not at present propose that Regional Offices require action on general management or oversight shortcomings in these letters. However, as indicated

in Attachment One by the notation "Information," I believe the letters should in a few cases make mention of other corrective processes underway which may lead to a formal SIP call later if not successful.

Correction of some deficiencies may require or best be accomplished via new legislation. Your letters should communicate that exceptions to the one-year deadline for corrections can be approved if necessary to obtain legislation. Such exceptions must be supported by the Governor's commitment to seek legislation.

I would appreciate it if you would have your staff offer Phil Lorang or Jane Armstrong (FTS 374-8471) an opportunity to comment on a draft of the portion of your letter which will address I/M problems. In addition, if ATP problems are involved, Al Mannato (FTS 382-2667) in FOSD should be consulted.

Attachments

cc: Gerald Emison, OAQPS  
Don Clay, OAR

bcc: with attachments  
E. Tierney, ECTD  
B. Nussbaum, FOSD  
J. Stubberfield, OAQPS

TSS:Lorang:law:2565 Plymouth Rd.:X-428:5/31/88:ID# 8311F:  
sbh:AR455:ID# 3914T

## ATTACHMENT ONE

## DESCRIPTION OF POTENTIAL AND ACTUAL I/M DEFICIENCIES

Basic SIP Requirements

I/M policy required that SIPs address a variety of elements, including:

- 1) Inspection test procedures
- 2) Emission standards
- 3) Inspection station licensing requirements
- 4) Emission analyzer specification and maintenance and calibration requirements
- 5) Recordkeeping and record submittal requirements
- 6) Quality control, audit and surveillance procedures
- 7) Procedures to assure that non-complying vehicles are not operated on the roads
- 8) Other official program rules, regulations, and procedures
- 9) Public awareness plan
- 10) Mechanics training program if additional emission reduction credits are being claimed for mechanics training

In general, the SIP review and approval process was such that most or all of these elements were adequately addressed as each State submitted an I/M SIP. A few elements were not addressed adequately and attention here will focus on those elements. Enforcement and quality assurance were two areas that seem to have the most problems and will be addressed in more detail below. If SIPs have other obvious omissions of one or more of these elements, that should be addressed in the RA letters.

Enforcement

Basic I/M policy calls for denial of registration to prevent the operation of non-complying vehicles on the roads. The policy allows for other means of enforcement and two basic approaches have been pursued in I/M and ATP programs, sticker enforcement and computer matching. The policy stated several criteria for accepting alternative mechanisms: ability to easily identify non-complying vehicles; sufficient penalty for operating a non-complying vehicle; and routine, expeditious and effective enforcement. In some areas, inadequate SIP elements for sticker enforcement are a known problem and are indicated for action in the attached table. In other areas, it is not clear to OMS whether the SIP is inadequate; these areas are indicated for action in the table with a question mark. In this case, SIPs should be reviewed to determine whether enforcement criteria are adequately addressed. Specifically, some SIPs may differ from policy in that subject vehicles may not be distinguishable from exempt vehicles without looking at the vehicle registration; fines may be waived after citation if the vehicle is brought into compliance prior to the court date;

law enforcement officials may have stated that they will not stop or cite vehicles solely for sticker offenses; or violations are not prosecuted in traffic court. Policy has, however, always allowed for a demonstration of effectiveness equal to registration enforcement. Several programs that use computer matching are listed for action in the table because the effectiveness of the computer matching system has not been demonstrated. Such a demonstration is necessary or the SIP should commit to switching to registration denial.

#### Quality Assurance

I/M policy requires monthly audits in areas with manual emission analyzers and quarterly audits in areas with computerized analyzers. The policy has been interpreted in the case of anti-tampering only programs to require at least quarterly administrative audits. Audits are required to include three elements: observing inspections, checking recordkeeping practices, and assessing quality control on required equipment. Regulations or procedure manuals submitted in the SIP should contain these requirements. In several areas, audit frequency is a known problem and these programs are indicated for action in the table, likewise with audit practices. In other cases, the problems are suspected and are indicated with a question mark.

#### Corrective Action Effectiveness

In several areas EPA has requested plans to correct problems in an I/M program that are causing emission reduction levels to drop below the minimum requirement. In some cases State or local governments have made significant positive progress toward implementing new program designs. These efforts should be acknowledged. In other areas, little or no progress has been made and notice should be given that unless effective progress is made, EPA will have to proceed with a call for a new I/M SIP.

#### Unfulfilled Commitments

In some areas, commitments were made in SIPs to implement certain program features but that has never occurred. For example, New Jersey committed to conducting misfueling checks but has not done so. In this situation, the SIPs need to address how this deficiency will be corrected. In the case of commitments to do two-speed testing, as in New York, the uncertainty over the technical merit of this test mode should allow for substitution of alternate measures to achieve similar emission reduction benefits. As with other items, the table lists SIP commitments that we know have not been met but there may be others that are unmet and should be included in the letters.

## I/M DEFICIENCIES AND UNFULFILLED COMMITMENTS

<u>REGION/STATE</u>	<u>ACTION OR INFORMATION</u>	<u>ITEM</u>
1 Connecticut	Action?	Sticker enforcement requirements
Massachusetts	Action?	Sticker enforcement requirements
New Hampshire	Action	Sticker enforcement requirements
2 New York	Action	Audit frequency and practice
	Action?	Sticker enforcement requirements
	Action	Advanced emission testing
	Info	Effectiveness of corrective actions
New Jersey	Action	Misfueling inspections
	Action?	Sticker enforcement requirements
3 D.C.	Action?	Sticker enforcement requirements
	Info	Effectiveness of corrective actions
Pennsylvania	Action	Audit frequency
	Action?	Sticker enforcement requirements
Virginia	Info	Acknowledge corrective efforts
4 Georgia	Info	Acknowledge corrective efforts
North Carolina	Info	Effectiveness of corrective actions
	Action?	Sticker enforcement requirements
Northern Kentucky	Action	Computer matching effectiveness
5 Illinois	Action	Computer matching effectiveness
Indiana	Action	Computer matching effectiveness
Michigan	Info	Effectiveness of corrective actions
Ohio	Action	No I/M program (Cleveland CO SIP)

# I/M DEFICIENCIES AND UNFULFILLED COMMITMENTS

<u>REGION/STATE</u>	<u>ACTION OR INFORMATION</u>	<u>ITEM</u>
6 Oklahoma	Action	Audit practice
	Action	Sticker enforcement requirements
Louisiana	Action?	Audit practice
	Action?	Sticker enforcement requirements
New Mexico	Action	No I/M program; acknowledge progress
Texas	Action?	Audit practice
7 Missouri	Info	Effectiveness of corrective actions
8 Colorado	Info	Acknowledge corrective efforts
Davis Co., Utah	Info	Effectiveness of corrective actions
9 Nevada	Info	Acknowledge corrective efforts
10 Washington	Info	Although registration enforced, a corrective plan for enforcement should be pursued for Seattle and Spokane due to implementation problems