**The State of New Jersey**

**Department of Environmental Protection**

**Enhanced Inspection and Maintenance (I/M) Program for the State of New Jersey**

**Revised Performance Standard Modeling**

**SIP Revision**

**Appendix VII: Public Participation**

November 27, 2002

A public hearing on this SIP revision was held on Wednesday, September 25, 2002 at 10:00 a.m. at the War Memorial Building, Turning Point Conference Room (formally the Late Comers Room), Lafayette and Barrack Streets, Trenton, New Jersey. This hearing was held in accordance with the provisions of Section 110(a)(2) of the Clean Air Act, 42 U.S.C. §7410; 40 C.F.R. 51.102(a)(1), the Air Pollution Control Act (1954), N.J.S.A. 26:2C-1 et seq., and the Administrative Procedure Act, N.J.S.A. 52:14 B-1 et seq. Written comments relevant to the proposal were accepted until the close of business, Wednesday, October 2, 2002. Notice of the hearing appeared in the September 3, 2002 edition of the New Jersey Register. In addition, timely notice of the hearing was published in six newspapers circulated in New Jersey at least 30 days prior to the hearing. Notices of the hearing and of the availability of the SIP revision was also mailed to over 1,100 interested parties.

Attachment A contains the notice announcing the availability of the proposed SIP revision and the hearing.

Attachment B contains the documentation of the notices that appeared in the newspapers and the New Jersey Register.

Attachment C contains the response to comment document.

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**Attachment A: Notice of Availability**

November 27, 2002



**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**OFFICE OF AIR QUALITY MANAGEMENT**

**NOTICE OF PUBLIC HEARING AND AVAILABILITY:**

**Proposed Revision to the New Jersey State Implementation Plan for the Enhanced Inspection and Maintenance Program.**

The New Jersey Department of Environmental Protection (DEP) is proposing a revision to the New Jersey State Implementation Plan (SIP) for its Enhanced Inspection and Maintenance (I/M) Program. This proposed revision is now available for inspection.

A public hearing is scheduled on the proposal on Wednesday, September 25, 2002 at 10:00 a.m. at the Turning Point Conference Room (formally the Late Comers Room) of the War Memorial Building, Lafayette and Barrack Streets, Trenton, New Jersey 08608. This hearing is being held in accordance with the provisions of Section 110(a)(2) of the Clean Air Act, 42 U.S.C. §7410; the Air Pollution Control Act (1954), N.J.S.A. 26:2C-1 et seq., and the Administrative Procedure Act, N.J.S.A. 52:14 B-1 et seq. Written comments relevant to the proposal may be submitted until the close of business, Wednesday, October 2, 2002, to Janis Hoagland, Director, DEP Docket Number 21-02-08, Office of Legal Affairs, New Jersey Department of Environmental Protection, P.O. Box 402, Trenton, New Jersey 08625-0402

**Background:**

In accordance with the requirements of the Clean Air Act (CAA), the State of New Jersey implemented an enhanced inspection and maintenance (I/M) program on December 13, 1999. The implementation of this program is an integral part of New Jersey’s plan to attainand maintain compliance with the health-based National Ambient Air Quality Standards (NAAQS) for ozone and for carbon monoxide (CO). Reducing the emissions of these pollutants and their precursors will help the State in its efforts to improve its air quality and protect the health and welfare of its citizens.

**Enhanced I/M SIP Revision:**

The State is proposing to revise to its enhanced Inspection and Maintenance (I/M) State Implementation Plan (SIP) to include updated New Jersey’s performance standard modeling. The primary reason for revising the State's enhanced I/M performance standard is to satisfy the USEPA's requirements for securing their approval of the State's plan to extend the current new vehicle inspection exemption from one inspection cycle (i.e., 2 years) to two inspection cycles (i.e., 4 years). This new car exemption was enacted by Governor James E. McGreevey on July 1, 2002 as Public Law 2002, Chapter 34, however, implementation of this exemption is contingent on approval by the USEPA.

In addition to the extension to the new car exemption, New Jersey has proposed several modifications to its enhanced I/M program design since the State's August 20, 2001 performance standard submittal that, if adopted, will impact the effectiveness of the overall program. Specifically, the NJDEP has proposed the following changes to its enhanced I/M regulations in May 20, 2002 New Jersey Register (N.J.R.):

* Modify the framework, procedures and testing schedule by which model year 1996 and newer vehicles would be subject to on-board diagnostic (OBD) inspections. The proposed program modifications included changing the start date for mandatory OBD inspections (pass/fail determinations) from January 1, 2001, to June 1, 2003 and set forth the testing protocols for OBD inspections on 1996 and newer vehicles;
* Eliminate the end date for the use of the “initial” emission standards for the ASM5015 exhaust emission test to allow for the continued use of these initial standards;
* Remove the "final" emission standards for the ASM5015 exhaust emission test;
* Remove all references to the evaporative pressure and purge tests while retaining the evaporative fuel cap (or gas cap) leak test; and,
* Exempt from dynamometer testing those pre-1996 light-duty vehicles that are registered as school buses and that are under the jurisdiction of the NJDMV’s School Bus Inspection Unit. 1996 and newer light-duty vehicles registered as school buses will receive an OBD inspection.

As such, the proposed SIP revision revises the State's enhanced I/M performance standard modeling to account for the four-year new car exemption, as well as the NJDEP's May 20, 2002 proposed rule changes.

**The following are options for obtaining a copy of the proposed Revision to New Jersey’s Enhanced Inspection and Maintenance (I/M) Program State Implementation Plans (SIPs)**

**1.**  Visit the DEP’s website at http://www.state.nj.us/dep/aqm/whatsnew, where Air Quality Management rules, proposals, adoptions and SIP revisions are available. The proposed SIP revision and associated files are located at this website.

**2.** Inspect the proposals during normal office hours at any of these locations:

NJ Department of Environmental Protection NJDEP Bureau of Enforcement

Public Information Center, 1st Floor Northern Region

401 E. State Street 1259 Route 46 East

Trenton, New Jersey 08625 Parsippany, New Jersey 07054-4191

NJDEP Bureau of Enforcement NJDEP Bureau of Enforcement

Central Region Southern Region

Horizon Center, P.O. Box 407 2 Riverside Drive

Robbinsville, New Jersey 08625-0407 Suite 201

Camden, New Jersey 08103

NJDEP Bureau of Enforcement Atlantic City Public Library

Metropolitan Region 1 North Tennessee Avenue

2 Babcock Place Atlantic City, New Jersey 08401

West Orange, New Jersey 07052-5504

Trenton Public Library Newark Public Library

120 Academy Street 5 Washington Street

Trenton, New Jersey 08608 P.O. Box 630

Newark, New Jersey 07102-0630

Penns Grove / Carney's Point Burlington County Library

Public Library Association 3 Pioneer Blvd. And Woodlane Road

222 South Broad Street Mt. Holly, New Jersey 08060

Penns Grove, New Jersey 08069

New Brunswick Free Public Library Joint Free Public Library

60 Livingston Avenue Morristown & Morris County

New Brunswick, New Jersey 08901 1 Miller Road

Morristown, New Jersey 07960

Ellen Calhoun Burlington City Library

Library of Science and Medicine 23 West Union Street

Rutgers University Burlington, New Jersey 08016

P.O. Box 1029

Piscataway, New Jersey 08855-1029

Freehold Public Library Perth Amboy Public Library

28  East Main Street 193 Jefferson Street

Freehold, New Jersey 07728 Perth Amboy, New Jersey 08861

Somerville Public Library Toms River Public Library

35 W. End Avenue 101 Washington Street

Somerville, New Jersey 08876 Toms River, New Jersey 08753-7625

Camden Free Public Library

418 Fredericks Street

Camden, New Jersey 08103

**3.** Request a copy of the DEP’s proposal by calling Willa Williams at (609) 292-6722, by

e-mailing her at Willa.William@dep.state.nj.us, or by mailing or faxing the attached form to her as indicated on the form.

**IF YOU HAVE ANY QUESTIONS:** For additional help in getting access to the DEP’s proposals or for information about what they mean, call the NJDEP, Air Quality Management at (609) 292-6710.

**New Jersey State Implementation Plan for the Enhanced Inspection and Maintenance Program.**

**□ SIP:**  Please send me a copy of the Proposed Revision to the New Jersey State Implementation Plan (SIP) for its Enhanced Inspection and Maintenance Program.

**□ Appendix I:** MOBILE Input and Output files for Revised New Jersey Performance

Standard Modeling

**□ Appendix II:** Off-Model Calculation Spreadsheet for Revised New Jersey Performance

Standard Modeling

**□ Appendix III:** Data Analysis of ASM Eligible Vehicles Receiving Alternative Tests

**□ Appendix IV:** I/M Enabling Legislation - Amendments Enacted by Governor James E. McGreevey on July 1, 2002

**□ Appendix V:** USEPA Email Outlining Performance Standard Modeling Requirements

**□ Appendix VI:** Data Analysis of CIF/PIF Split for Where Vehicles Passed Inspection - Calendar Year 2001

**□ Appendix VII:** Public Participation

Please print your name and address below:

**□** Check this box if you would like to have your name removed from the mailing list

 for State Implementation Plans.

**MAIL OR FAX THIS SIP PROPOSAL REQUEST TO:**

Willa Williams

Air Quality Planning

Office of Air Quality Management

PO Box 418

Trenton, New Jersey 08625-0418

**(609) 633-6198 Fax Number**

**OR YOU MAY E-MAIL A REQUEST TO:**

 Willa.Williams@dep.state.nj.us

**The State of New Jersey**

**Department of Environmental Protection**

**Enhanced Inspection and Maintenance (I/M) Program for the State of New Jersey**

**Revised Performance Standard Modeling**

**SIP Revision**

**Appendix VII: Public Participation**

**Attachment B: Documentation of the Notices that Appeared in the Newspapers and the New Jersey Register**

November 27, 2002

**This attachment includes the documentation of the notices that appeared in the newspapers and the New Jersey Register. This documentation is only available in hardcopy format.**

**The State of New Jersey**

**Department of Environmental Protection**

**Enhanced Inspection and Maintenance (I/M) Program for the State of New Jersey**

**Revised Performance Standard Modeling**

**SIP Revision**

**Appendix VII: Public Participation**

**Attachment C: Response to Comment Document**

November 27, 2002

As a result of the hearing and comment period, several comments were received by the State on the proposed SIP revision. The following is a summary of those comments, and the State’s responses to those comments. After each comment is the name of the commentor(s) and their affiliation(s) in bold.

1. Comment: Several commentors were concerned about the loss of newer vehicles from the inspection mix, and the impact that loss would have on the private inspection community. One commentor estimated that due to the 4-year exemption for newer vehicles, the PIF community would lose approximately 9 percent of its initial inspections. This is a sizable amount, given that according to the latest statistics from the State, the PIF community as a whole only performs approximately 20 percent of the fleet initial inspections. **(Bill Dressler, New Jersey Gasoline Retailers Association (NJGRA); Rick Ferber, Repair Excellence Council (REC); Dave Scaler, Mechanics Education Association (MEA))**

Response: The State recognizes that its decision to exempt newer motor vehicles from one additional required inspection (at the two-year interval) will have some negative financial impact on the private inspection and repair communities. However, the advantages to the motoring public and the overall enhanced program are significant. By not requiring motorist to have their vehicles inspected at the two-year interval, the State is saving the motorists time and relieving them of the minor inconvenience associated with the program for one additional inspection cycle. In addition, the State is eliminating the costs associated with those additional emission inspections, thereby saving State revenue that can then be used to implement more significant emission reduction control strategies. These beneficial factors resulted in the State determining that this exemption was in the best interest of the program overall.

Through the performance standard modeling included as part of the SIP revision, the State has made the demonstration that the State could still attain the USEPA-established enhanced I/M program with this new change to the program design. The State will continue to monitor the efficiency and effectiveness of the overall enhanced I/M program to insure that it provides the maximum emission reduction benefits with a minimum of cost and inconvenience to the motoring public.

1. Comment: In addition to concerns over the impact of taking newer vehicles out of the inspection mix, several commentors were particularly concerned over the loss of safety inspections at the 2 year interval. These commentors expressed concern that increased mileage prior to the first mandatory inspection could make these vehicles dangerous to operate and could jeopardize public safety. It was suggested that the State consider allowing the first safety inspection only to occur at the 2-year, rather than the 4 year, interval. Finally, one commenter suggested that it was neglect on the part of the State to not encompass the safety inspection aspects of this exemption into the State Implementation Plan (SIP) because its impact is important and may require a separate hearing for discussion in the future, which is time consuming and costly. **(Bill Dressler, NJGRA; Rick Ferber, REC; Dave Scaler, MEA)**

Response: This SIP revision deals only with the emission-related aspects of the four-year new vehicle exemption, and demonstrates that the State can eliminate the emissions inspection at the two-year interval without negatively impacting the State’s ability to meet the emission reduction goals established by the United States Environmental Protection Agency (USEPA) (that is, the performance standard goals). The safety-related aspects of the four-year new vehicle exemption are not addressed by this SIP revision. The NJDOT is responsible for the safety-related aspects of the State's enhanced I/M program. Accordingly, the commentors’ concerns regarding the safety-related impacts of this exemption should be directed to the NJDOT.

1. Comment: One commentor expressed concern over how the 4 year safety inspection exemption would impact insurance premiums in the State of New Jersey. **(Bill Dressler, NJGRA, Dave Scaler, MEA)**

Response: As mentioned in the response to Comment #2, this revision to New Jersey’s enhanced I/M SIP deals only with the emission-related aspects of the four-year new vehicle exemption. The safety-related aspects of the four-year new vehicle exemption are not addressed by this SIP revision. The NJDOT is responsible for the safety-related aspects of the State's enhanced I/M program. Accordingly, the commentors’ concerns regarding the safety-related impacts of this exemption should be directed to the NJDOT.

1. Comment: Several commentors raised concerns over the State's decision not to implement more stringent standards (either final or some interim set of standards) for the ASM5015 exhaust emission test. One commentor suggested that this decision was counter to the program's goal of cleaning the air. In addition, these commentors complained that implementation of more stringent standards was a factor used by PIF owners in determining whether or not to invest significant money to participate in the inspection program. As such, the State's decision not to implement these standards has impacted these small businesses' abilities to make a return on their investments. **(Bill Dressler, NJGRA; Rick Ferber, REC; Dave Scaler, MEA)**

Response: On January 22, 2002, the NJDEP proposed to replace the currently-existing final standards for the ASM5015 exhaust emission test in its enhanced I/M rules with a set of interim standards developed by the State. While the State realized that there was a need for the additional emission reductions that could be achieved from the implementation of more stringent standards, it also realized that the existing final standards would result in unacceptably high failure rates. In addition, in some instances, these failure would be “false failures” (i.e., that the vehicle would fail inspection when it should have passed). As such, the State developed new "interim" standards, which in some cases were less stringent than the final standards and, for other vehicle types and model years, were identical to the final standards.

In response to New Jersey’s January 22, 2002, rule proposal, the USEPA commented that the State should not adopt the new interim standards for the ASM5015 exhaust emission test, but should instead wait for the USEPA to release its revised final ASM standards, which were under development at the Agency and were expected to be released soon. Based in part on the USEPA's recommendation, on April 22, 2002, the NJDEP withdrew its submittal of the January 22, 2002, rule proposal to the USEPA as a proposed SIP revision, and determined not to adopt this rule proposal. Instead, on May 20, 2002, the NJDEP re-proposed changes to its rules governing the enhanced I/M program. These May 20, 2002, rule changes proposed to remove the currently-existing final standards for the ASM5015 exhaust emission test, and to require the continued use of the initial standards. However, the proposal did state that the USEPA was then working on new final standards for the ASM test, and that when these new standards were released, the State would analyze them and make a determination as to whether or not to include these new standards as part of New Jersey’s inspection program. On August 16, 2002, the USEPA released its new ASM final standards, providing states with the option of implementing either these new final standards or the existing old final standards. Alternatively, states also had the option of not implementing final standards at all, so long as they could continue to meet the I/M program emission reduction goals established by the USEPA.

Although the State’s performance standard modeling, included as part of this SIP revision, shows that New Jersey can continue to meet its I/M program emission reduction goals without the benefits of the ASM final standards, the State is currently analyzing the new final standards for this test. Once this analysis is complete, the State will make a determination on whether or not to implement these new standards. The State believes that the enhanced I/M program continues to be one of its most effective emission reduction strategies and is committed to enhancing the program's effectiveness where ever possible. However, these program modifications must based on sound technical decisions and be in the best overall interest of the program.

1. Comment: One commentor, while recognizing that this SIP revision was only related to emission inspections, comments that the NJDEP's Commissioner, in discussions with representatives from the private inspection community, did suggest the idea of a PIF-only interim inspection (that is, a required safety inspection only at the PIFs at the two year mark). As such, the commentor thought that there was some merit to discussing safety inspections at this hearing. **(Rick Ferber, REC, Dave Scaler, MEA)**

Response: The NJDEP’s involvement in the enhanced I/M program relates primarily to emission inspections and the subsequent repairs of those vehicles failing their emission inspection. As the State agency responsible for the enhanced I/M SIP, the NJDEP is required to insure that changes made to the enhanced I/M program do not impact the program’s ability to meet the reduction goals established by the USEPA for such programs. Therefore, with respect to this four-year new vehicle exemption, the NJDEP conducted emission modeling and demonstrated that the State could still attain the USEPA-established enhanced I/M performance standard with this new change to the program design. Having said that, however, the NJDEP, and its Commissioner, does take an interest in the non-emission-related aspects on the enhanced I/M program as they relate to the overall success of the enhanced program. This would explain Commissioner Campbell’s thoughts regarding safety inspection frequencies. However, the safety-related aspects of the four-year new vehicle exemption are not addressed by this SIP revision. The NJDOT is responsible for the safety-related aspects of the State's enhanced I/M program. Accordingly, the commentors’ concerns regarding the safety-related impacts of this exemption should be directed to the NJDOT.

1. Comment: One commentor indicated that, with respect to emissions only, most of the private inspection community would agree that the later model vehicles run relatively clean and, as such, there is little argument against extending their first inspection out four years. **(Rick Ferber, REC, Dave Scaler, MEA)**

Response: The State agrees with the commentor’s assessment that there is little argument against extending the first emission inspection to the 4-year interval. As shown by the NJDEP’s performance standard modeling demonstration, the State can continue to attain the USEPA-established I/M program goals with this exemption in place.

1. Comment: One commentor expressed concern that once the PIF community was made aware of the overall impact this exemption would have on their inspection, and therefore repair, business some of the PIFs that could afford to would stop participating in the program. **(Rick Ferber, REC, Dave Scaler, MEA)**

Response: The State supports the PIF community and appreciates all of their efforts in insure that the enhanced I/M program is successful. It was not the State’s intention, in moving forward with this new vehicle exemption, to cause members of the PIF community to leave the inspection business. However, the State determined that implementation of this exemption was in the best overall interest of the enhanced I/M program design. It is the State’s hope that the PIF community will continue to participate in the enhanced I/M program, and that they will benefit from future changes to the program design, particularly the integration of on-board diagnostic (OBD) inspections for newer vehicles into the program.

1. Comment: Several commentors indicated that this change (i.e., the exemption of new vehicles from the inspection process for 4 years) is just another area where the State has made modifications to the fundamental aspects of the original I/M program. The original program, which is what most PIFs based there business plans on to secure loans for equipment purchases, included inspections for these newer vehicles, as well as final standards for the ASM5015 exhaust emission test, and had the program implemented in a timely fashion. Removal of some of these key elements to the program, in combination with sliding deadlines, has impacted the PIF community's ability to generate the revenue initially anticipated from the program. **(Bill Dressler, NJGRA; Rick Ferber, REC; Dave Scaler, MEA)**

Response: The enhanced I/M program is a vast and ever-evolving program. During the transition to this more complex and advanced testing system, the State has had to be flexible in order to insure that the core program was implemented intact. In addition, because of its complex design (i.e., the inclusion of both centralized inspection facilities and privately owned and operated inspection and repair facilities) and its significant impact on the motoring public, the State has had to deal with unforeseen problems which required changes to the original program design. As well, the State has had to reconsider some portions of the original design that, after implementation, seemed impractical to integrate into the existing system. All of these changes have been made after careful consideration of their impact on the environment, the State's economy, the small business communities involved in the program and the motoring public. Although these changes all had impacts on the PIF community, the State had to make decisions in the best interest of the overall program. The same is true of the current decision to extend the first inspection from year 2 to year 4.

1. Comment: One commentor did indicate his hope that the integration of OBD inspections into the system would increase the failure rate, and therefore the associated repair business, from the newer model year vehicles and offset the losses incurred from the 4 year model year exemption. **(Rick Ferber, REC, Dave Scaler, MEA)**

Response: The data from other states already implementing OBD programs shows that the failure rate for OBD inspections is slighter higher than for other non-OBD traditional tailpipe testing. As such, it is likely that the integration of OBD inspections into the New Jersey’s enhanced I/M program will result in more repair business for the Emission Repair Facility (ERF) community, most of whom are also PIFs. In addition, the PIFs are likely to see more re-inspection business associated with OBD inspections. This increased business could contribute to offsetting of losses to the private inspection and repair communities associated extension of the first inspection from year 2 to year 4.

1. Comment: One commentor questioned the technical need for redundant gas cap testing on the 1996 and newer vehicle fleet once the OBD testing system was implemented. **(Dave Scaler, MEA)**

Response: In its final guidance document, released in June of 2001 and entitled"Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program," (EPA420-R-01015), the USEPA indicates that its analysis of the Wisconsin I/M lane data suggests that OBD-I/M testing can be supplemented by a separate gas cap check. Specifically, the USEPA states that when they compared the failure rates for the evaporative portion of the OBD-I/M test to those for the stand-alone gas cap test they found that the separate gas cap test was able to identify a substantial number of leaking gas caps that were not identified by the OBD monitors.

The USEPA explains the seeming disparity between the failure rates for the OBD test itself and the separate gas cap inspection as the result of the different detection thresholds for the two tests. The stand-alone gas cap test was designed to detect a leak as small as 60 cubic centimeters per minute (cc/min) at a pressure of 30 inches of water, while the OBD systems were designed to detect leaks equal to a circular hole 0.040 inches in diameter. The 0.040 inch hole equates to a flow rate in excess of 2,600 cc/min at 10 inches of water column (i.e., the maximum allowable internal tank pressure using the enhanced evaporative emission test)[[1]](#footnote-1). As a result, although an OBD system can reliably detect a loose or missing gas cap, a properly tightened but leaking gas cap that can easily be identified by the gas cap test will probably not be identified by an OBD inspection.

Since the gas cap test is able to identify an excessive emission condition not identified by the OBD test, the USEPA recommended that states include this additional testing element in those areas that need substantial reductions in hydrocarbon (HC) emissions from mobile sources as part of their ozone attainment plans. Since New Jersey is one of those areas, the State determined to implement the USEPA's recommendation, and continue to administer gas cap inspections on all applicable 1996 and newer vehicle after integration of OBD inspections for those vehicles. However, the State will evaluate the data from both the OBD inspections and the gas cap inspections. If, at some point during this data evaluation, the State determines that the gas cap inspection portion of the OBD inspection and the evaporative gas cap inspection are redundant, it will consider eliminating the requirement for gas cap inspections on OBD-testable vehicles.

1. Comment: One commentor identified the following four (4) minor issues with the State's performance standard modeling, and asked that, although these issues did not impact the outcome of the modeling exercise (that is, the State still passes the performance standard test), these issues be addressed in New Jersey's final SIP revision submittal to the USEPA:
2. In Table 1, found on page 18 of the main SIP document, the 0.01 percent waiver rate for the 2002 New Jersey evaluation year is incorrect. The actual waiver rate used in the State's modeling for evaluation year 2002 is 0.04 percent.
3. The State's modeling of the low enhanced performance standard for evaluation year 2002 uses an evaluation date of July 2002. Per the USEPA's guidance, transmitted to the State on July 19, 2002, an evaluation date of January 2002 should be used for modeling the low enhanced performance standard.
4. The State's modeling of evaluation years 2005 and 2007 sets the I/M grace period to "5" (years). Since the State's new inspection exemption requires new vehicles to be inspected no later than 4 years from the last day of the month in which the vehicles were initially registered, the I/M grace period needs to be set to "4" (years) to accurately reflect the State's new exemption in the modeling results.

4) The State's modeling of the low enhanced performance standard for evaluation year 2002 inadvertently created a gap in model year coverage (1996-2001) between the idle and OBD I/M inspection test types, thus having the net effect of lowering the performance standard. According to guidance from the USEPA's Office of Transportation and Air Quality, the State needs to delete the OBD portions of the low enhanced performance standard to which the State's program is compared, and change the last model year that will be covered by the idle test program from "1995" to "2050". **(Raymond Werner, United States Environmental Protection Agency (USEPA))**

Response: The State appreciates the USEPA's thorough review of its performance standard modeling runs, and provides the following responses (corresponding to the numbered issues in the comment) to the 4 minor issues identified by the Agency:

1. The 2002 waiver percentage of 0.1 (not 0.01 as indicated by the USEPA) presented in Table 1 of the proposed SIP revision was a typographical error. Please note that the text describing the waiver rate on page 28 of the main document of the proposal refers to the correct waiver rate for 2002 of 0.4 percent, and the modeling also reflected this 0.4 (not 0.04 as indicated by the USEPA) percent rate. The State has corrected this typographical error in the final SIP revision submittal.
2. The NJDEP staff has reviewed the modeling guidance provided by the USEPA (and included as Appendix V of this SIP revision) and agrees that the modeling run establishing the performance standard itself should have been evaluated for January 2002, not July 2002. As such, the State has re-evaluated the performance standard based on a January 2002 evaluation date and has included that new modeling run as part of the final SIP revision submittal.
3. The State understands the USEPA's Office of Transportation and Air Quality's (OTAQ) position regarding the value for the I/M grace period, and as such, has made that modification to the New Jersey 2005 and 2007 evaluation runs. In addition, the State has incorporated the USEPA's minor suggestions for streamlining all of the New Jersey runs. The new modeling runs, as well as the off-model calculation spreadsheets used to determine the final emission factors for New Jersey in 2002, 2005 and 2007, are included as part of the final SIP revision submittal.
4. The State agrees that the modeling run establishing the performance standard itself in the proposed SIP revision inadvertently created a gap in model year coverage (1996-2001) between the idle and OBD I/M inspection test types. This unintentional inconsistency had the net effect of lowering the performance standard. The State has rectified this inconsistency in the revised modeling, included as part of the final SIP revision submittal, by deleting the OBD portions of the low enhanced performance standard and changing the last model year covered by the idle test program from "1995" to "2050".

12) Comment: One commentor indicated that, based on their review of the proposed SIP revision to date, the USEPA would move forward with a proposed notice of approval through a parallel processing procedure per the State's request. Barring any additional issues with the SIP revision, the USEPA anticipated that their proposed rulemaking action on the State's August 20, 2002 submittal would be published in the Federal Register in the near future. **(Raymond Werner, United States Environmental Protection Agency (USEPA))**

Response: The State appreciates the USEPA’s efforts to parallel process this SIP revision to insure action in a timely fashion.

1. During its pilot testing of OBD evaporative monitor effectiveness, the USEPA found that some in-use OBD systems were capable of detecting leaks from holes as small as 0.020 inches in diameter. A 0.020 inch hole equates to 600 cc/min at 10 inches of water column pressure. [↑](#footnote-ref-1)