

This adoption has been filed with the Office of Administrative Law. The Office of Administrative Law will edit this adoption before publishing it in the New Jersey Register. Please refer to the July 7, 1997 New Jersey Register for the official text of the adoption.

ENVIRONMENTAL PROTECTION

Enhanced Inspection and Maintenance Program

Adopted Amendments: N.J.A.C. 7:27-15.1 and 15.5; and 7:27B-4.1, 4.2, 4.5, 4.6, 4.8, 4.10, 4.11, 4.12 and 4.14

Adopted New Rules: N.J.A.C. 7:27B-4.12 and 7:27B-4.14

Proposed: March 3, 1997 at 29 N.J.R. 726(a).

Adopted: June 12, 1997 by Robert C. Shinn Jr., Commissioner, Department of Environmental Protection.

Filed: June 13, 1997 as R. 1997, **without change**.

Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 26:2C-8 et seq., specifically 26:2C-8 through 8.5, and 8.11 and N.J.S.A. 39:8-41 et seq; specifically 39:8-41 through 58.

DEP Docket Number: 02-97-01/618.

Operative Date: August 11, 1997.

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Expiration Date: Exempt.

The New Jersey Department of Environmental Protection (the Department) is adopting herein amendments and new rules at N.J.A.C. 7:27-15 (Subchapter 15, Control and Prohibition of Air Pollution from Gasoline-fueled Motor Vehicles) and N.J.A.C. 7:27B-4 (Subchapter 4, Air Test Method 4: Testing Procedures for Motor Vehicles). These subchapters include standards and test procedures for the inspection of gasoline-fueled motor vehicles. This action is part of New Jersey's overall effort to attain and maintain National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and ground-level ozone. The adoption of these amendments and new rules continues the process of establishing an enhanced inspection and maintenance (I/M) program for New Jersey.

On October 2, 1995, the Department published its adopted new rules and amendments to Subchapter 15 and Subchapter 4, establishing an enhanced inspection and maintenance (I/M) program. See 27 N.J.R. 3806(a). The Department of Transportation, Division of Motor Vehicles (DMV) published its adopted complementary rules for the enhanced I/M program on that same date. See 27 N.J.R. 3820(a).

Both the Department and the DMV subsequently amended their enhanced I/M rules, modifying certain aspects of the overall enhanced I/M program design to take advantage of the greater flexibility afforded to states under the National Highway System Designation Act of 1995 (NHSDA), P.L. 104-59 [S. 440]. For the Department's adoption document, see 29 N.J.R. 498(a), February 3, 1997; for the DMV's adoption, please see 29 N.J.R. 788(a), March 3, 1997.

On March 27, 1996, the Department submitted both its and the DMV's proposals to the EPA as part of an enhanced I/M State Implementation Plan (SIP) revision. The EPA subsequently proposed conditional interim approval of the State's enhanced I/M SIP, including the March 27, 1996 SIP revision. This proposed conditional interim approval, published in the Federal Register on October 31, 1996 (61 Fed. Reg. 56172), is contingent upon the State providing the EPA with two major, and several minor, informational components. The EPA recently granted the conditional interim approval of New Jersey's SIP revision. See 62 Fed. Reg. 26401, May 14, 1997, effective June 13, 1997.

One of the EPA's conditions for approving New Jersey's SIP was that the State provide the EPA with the completed equipment specifications, test procedures and inspection standards for the enhanced I/M program. The amendments adopted herein comply with this SIP approval condition.

The Department had reserved the sections in its enhanced I/M rules which address the equipment specifications for both centralized and decentralized inspection facilities, the requirements and test procedures for On-Board Diagnostics (OBD) and the test procedures and inspection standards for the evaporative pressure and purge tests to be available as alternatives to the EPA-recommended evaporative tests. These components of the enhanced I/M program were still under development by the EPA and the Department in March of 1996, and thus could not be included in the amendments to the enhanced I/M program rules which the Department was proposing at that time. With the exception of the alternative evaporative purge test, the EPA has since completed its review process

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and approved these test procedures, inspection standards and equipment specifications, so that the Department can now adopt them as part of the overall enhanced I/M program design.

The Department held a public hearing on April 10, 1997 to provide interested parties the opportunity to present comments on the Department's proposed amendments and new rules, as well as the proposed enhanced I/M SIP revision. The comment period closed on April 17, 1997. The Department received oral and/or written comments on its proposed amendments and new rules from the following persons:

1. Stephen G. Carrellas, National Motorists Association
2. Laurence P. Devlin, Jr., Salem County Department of Health
3. Tim Dillingham, Sierra Club
4. Carl Vercelli, United Water Resources

Comments the Department received on the proposed amendments and new rules are summarized and responded to below.

Summary of Hearing Officer's Recommendations and Agency Responses:

David West, Chief of the Department's Bureau of Transportation Control, served as the Hearing Officer at the April 10, 1997, public hearing held at the Department of Environmental Protection Building in Trenton, New Jersey. The Hearing Officer recommended that the Department adopt the proposed rule amendments and new rules, as proposed. The Department has accepted the Hearing Officer's recommendations.

The Department adopts herein the amendments and new rules, as proposed. Please see the Summary of Public Comments and Agency Responses, below, for more detail. The Hearing Officer's recommendations are set forth in the hearing officer's report. A copy of the record of public hearing is available upon payment of the Department's normal charges for copying (\$0.75 per page for first 10 pages, \$0.50 per page for the following 10 pages, \$0.25 per page for additional pages). Persons requesting copies should contact:

ATTN: Docket #02-97-01/618

Department of Environmental Protection

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Office of Legal Affairs

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Summary of Public Comments and Agency Responses:

The number(s) in parentheses after each comment corresponds to the commenter numbers above to indicate the person(s) who submitted the comment. The comments are as follows:

COMMENT: One commenter supports the Department's efforts to proceed with this rulemaking to complete the State's obligations to the EPA and in compliance with the terms of New Jersey's state implementation plan (SIP) and the settlement agreement negotiated between the EPA and the national Sierra Club. Another commenter recognized the implementation of the New Jersey Enhanced I/M program and the changes that private facilities may inspect and repair any vehicle as a step in the right direction. (3, 4) RESPONSE: The Department appreciates the commenters' support for the enhanced I/M program.

COMMENT: One commenter challenged the Department's statistics demonstrating an economic justification for the enhanced I/M program based on the number of people facing health threats from ground-level ozone. The commenter objected to equating the threat of injury to health with the actual injury, and requested proof that the enhanced I/M program will reduce the estimated health care costs. The commenter argued that the cost of this program should not be borne by New Jersey drivers and taxpayers but by Congress and the EPA or the American Lung Association. (2) RESPONSE: The commenter appears to be referring to the estimate of the American Lung Association included in the Department's proposal that nationally, 182 million people face health threats from ground-level ozone alone. The Department did not intend to imply from this wording that the effect ground-level ozone has on human health is in any way speculative. Both the impact on human health and the cost of this impact have been well documented. A fuller discussion of the social impact of the enhanced I/M program generally was provided by the Department in its July 17, 1995 proposal at 27 N.J.R. 2752(a). As to the funding of the enhanced I/M program, maintenance of

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motor vehicles has historically been the burden of the owner in this State and elsewhere. Shifting this economic burden to the named parties, in any event, is not within the power of this Department.

COMMENT: One commenter argued that the testing equipment should be thoroughly tested and given a clean bill of health before the enhanced I/M program is implemented. The commenter suggested further that, in the meantime, a program be implemented that requires the vehicle owner to demonstrate that the vehicle was maintained and that a safety check was done on the vehicle every 5,000 miles. Starting in June 1997, every vehicle would get inspected and the vehicle's mileage would be stamped on a sticker. If, by the time of the next inspection, the vehicle added at least 5,000 miles, the owner would have to show proof of for an oil change, filter and safety check of the vehicle, for each addition 5,000 miles traveled. This would require the driving public, for a minimal fee, to change the oil, filters and check the safety of the car. This program should be conducted for three years to evaluate how much more emission pollutants would be reduced. Such a substitute program would save the State implementation costs, and would save the driving public personal time and large repair expenditures. (4) RESPONSE: The Department is satisfied that the specifications for the equipment to be used in the enhanced I/M program have been appropriately tested and that equipment meeting these specifications should perform properly in the program. In addition, the adopted rules provide, at N.J.A.C. 7:27B-4.2 (e) that the Department must approve any equipment to be used in conducting a motor vehicle emissions test, based upon a number of rigorous criteria, including the equipment specifications set forth at N.J.A.C. 7:27B-4.14.

As for the commenter's suggestion concerning an alternative inspection program, the Department appreciates the suggestion, but notes that, while safety checks, and oil and filter changes are important components of a vehicle maintenance program, they alone cannot ensure compliance with the emission standards which the vehicle has been designed to meet. The adopted rules do provide, at N.J.A.C. 7:27-15.5 (f)7, for the inclusion of an on-board diagnostics (OBD) test for all post-1995 LDGVs and LDGTs, beginning on January 1, 1998, which may supplement or eventually replace emissions testing. However, OBD technology is not yet proven and does not cover enough of the vehicle population to make it a direct replacement for periodic emissions testing. Accordingly, the Department will conduct a two-year pilot test of OBD effectiveness beginning in 1998, during which time failure of the OBD test will not result in mandatory repair and the effectiveness of OBD will be evaluated.

COMMENT: One commenter asked that the Department clarify in the rules and/or the comment and response document that the IM240 test referenced in N.J.A.C. 7:27B-4.8 will be performed only for study purposes as defined in P.L. 1995, c.112, so that the public does not read this section and think that the Administration is moving forward with IM240 testing rather than ASM testing. (1) RESPONSE: The commenter is correct that the IM240 test referenced in N.J.A.C. 7:27B-4.8 is only required as part of the State's enhanced I/M program evaluation process.

N.J.A.C. 7:27-15.5(g)1 clearly sets forth the limited circumstances under which the IM240 will be used in the enhanced I/M program. N.J.A.C. 7:27-15.5(g)1 provides that the IM240 may be used as part of an inspection performed at a private inspection facility (PIF) twelve months after the EPA's interim approval of the Enhanced I/M State Implementation Plan Revision, that is, on or after June 13, 1998, for model year 1981 and newer motor vehicles, (except for low mileage vehicles, motor vehicles which have a GVWR in excess of 8,500 pounds and motor vehicles that employ full-time four-wheel drive). N.J.A.C. 7:27-15.5(l) provides for the performance of the IM240 as part of the program evaluation test which the DMV is to conduct each year on at least 0.1 percent of those motor vehicles subject to inspection during that year. The program evaluation test shall be performed after, and in addition to, any other inspection procedures

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required pursuant to the requirements of the enhanced I/M program. It should be noted, however, that the results of the program evaluation test shall not be used in determining whether a motor vehicle has passed or failed its motor vehicle inspection with regard to exhaust emissions.

COMMENT: One commenter expressed concern that one of the options for the two evaporative pressure tests is intrusive, and that both versions include the chance of damaging fuel system seals on older vehicles, resulting in fuel leakage, severe hydrocarbon evaporation and, even worse, engine compartment fires. (1) RESPONSE: The Department has adopted two different evaporative pressure tests to allow the inspection facility flexibility in choosing which type of test to perform. The Department expects the centralized inspection facilities to use the less intrusive pressure test method (pressurizing from the fuel filler neck) since this method is faster and easier to perform in a high-volume inspection environment. Private inspection facilities, however, may prefer to use the slightly more intrusive pressure test since the required equipment is less expensive and the time added to the inspection is not as critical.

In either case, the pressure used to detect evaporative system leaks is no more than 1.0 pound per square inch (psi). This is a very low pressure for this type of system; on a warm day the vapor pressure resulting from natural fuel evaporation in the fuel tank can readily exceed 1.0 psi. There is no basis for concern that fuel system pressurization resulting from evaporative system testing might damage a vehicle's evaporative system components.

COMMENT: One commenter expressed continuing concern about the intrusive nature of the currently-approved evaporative purge test, and inquired as to any problems documented by the EPA for this test, as well as the alternate tests which the EPA is currently studying. (1) RESPONSE: The Department agrees with the commenter regarding the problematic nature of the currently-approved evaporative purge test. Both the Department and the EPA are aware of the problems associated with the intrusive nature of the evaporative purge test, and recognize that this test may not be appropriate for use in the centralized testing facilities, although it may be appropriate for use in the PIFs. The Department and the EPA are also aware of the problem with the purge tests concerning the difficulty encountered in determining the purge-triggering mechanism in the driving cycle, such as driving speed or rate of acceleration, for which the vehicle has been programmed by the manufacturer. The mechanism can differ for different models and model years. Neither the EPA nor the Department have yet determined a universally applicable testing condition which would initiate a vehicle's purge cycle.

The Department is aware of one alternative, non-intrusive evaporative purge test that involves the injection of helium gas into the fuel system. The Department understands that the EPA is currently evaluating a number of other alternatives, including the possibility of using OBD to identify purge problems in OBD-equipped motor vehicles. However, as the EPA has not yet completed its evaluation of these alternative purge tests, it is premature to draw conclusions as to any problems associated with the tests under consideration. In the meantime, the EPA has indicated, in its conditional interim approval of New Jersey's enhanced I/M program SIP, that states such as New Jersey that have indicated that they will perform a purge test when one is available may continue to take 100 percent of the emission reduction credit for the purge test, without actually performing such testing, until such time as EPA develops a viable purge test procedure. See 62 Fed. Reg. 26403. Furthermore, the Department's rule at N.J.A.C. 7:27-15.5(f)5 provides that a motor vehicle inspection will not include an evaporative purge test until twelve months after the EPA's interim approval of the Enhanced I/M State Implementation Plan Revision, that is, on or after June 13, 1998.

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COMMENT: One commenter questioned whether the currently defined I/M program will provide any meaningful social, economic or environmental benefit, and suggested that the program will incur significantly increased costs without providing any commensurate benefits. (1) RESPONSE: The social, economic and environmental benefits of the provisions adopted herein are discussed in the proposal of the same. Please see 29 N.J.R. 726(a), March 3, 1997. A more detailed discussion of these impacts on the enhanced I/M program generally was provided by the Department in its July 17, 1995 proposal at 27 N.J.R. 2752(a).

COMMENT: One commenter referred to the opening sections of P.L. 1995, c. 112 as expressing the views of the Legislative regarding the enhanced I/M program, and its concerns that the program would be expensive and burdensome to the citizens of New Jersey. The commenter asks the Department to follow the legislative intent of the law during the rules promulgation process. (1) RESPONSE: The Department appreciates the concerns of the commenter that the enhanced I/M program be designed to minimize its cost and burden to New Jerseyans. The Department believes that its enhanced I/M program rules should obtain the greatest environmental good at the least cost to those affected by its requirements. This is true of the provisions adopted herein, as well as the provisions previously adopted.

Federal Standards Statement

The proposed changes to the Department's rules will not modify the program design so as to in any way impose standards or requirements that exceed those contained in federal law. Accordingly, neither Executive Order 27 (1994) nor N.J.S.A. 52:14B-23 requires a cost-benefit analysis.

Full text of the adoption follows:

7:27-15.1 Definitions

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The following words and terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise.

...

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquefied petroleum gas, or propane or powered by alcohol fuels, hydrocarbon-alcohol fuel blends or hydrogen.

...

"Heavy-duty gasoline-fueled vehicle" or "HDGV" means a gasoline-fueled motor vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

"Hydrocarbons (HC)" means any compound or mixture of compounds whose molecules consist of atoms of hydrogen and carbon only.

"Idle" means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

...

"Motor vehicle emission testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B .14, Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

"Motorized bicycle" means a pedal bicycle which is capable of a maximum speed of no more than 25 miles per hour on a flat surface and which has a helper motor which;

1. Has a maximum piston displacement that is less than 50 cubic centimeters; or
2. Is rated at no more than 1.5 brake horsepower.

7:27-15.5 Motor vehicle inspections

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(a) - (e) (No change.)

(f) A motor vehicle inspection shall include the following:

1. - 6. (No change.)

7. On and after January 1, 1998, for all post-1995 LDGVs and LDGTs, an on-board diagnostics test conducted in accordance with N.J.A.C. 7:27B-4.12; and

8. (No change.)

(g) - (l) (No change.)

7:27B-4.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

...

"Chassis dynamometer" or "dynamometer" means a power absorption device utilizing a set of rollers on which a motor vehicle is driven to simulate on-road vehicle operation.

...

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquefied petroleum gas, or propane or powered by alcohol fuels, hydrocarbon-alcohol fuel blends or hydrogen.

...

"Heavy-duty gasoline-fueled vehicle" or "HDGV" means a gasoline-fueled motor vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

"Hydrocarbons (HC)" means any compound or mixture of compounds whose molecules consist of atoms of hydrogen and carbon only.

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"Idle" means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

...

"Motor vehicle emission testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.14, Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27-15 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

...

7:27B-4.2 General instructions for all tests

(a) - (d) (No change.)

(e) Any equipment to be used in conducting a motor vehicle emissions test as set forth in this subchapter shall first be approved by the Department. Approval of testing equipment shall be based on the determination by the Department of the following:

1. The equipment meets all applicable specifications;
2. The equipment hardware and software comply with the data collection and transfer protocols in use throughout New Jersey's motor vehicle inspection programs;
3. The equipment maintains compatibility with other test equipment used concurrently during the motor vehicle inspection process with which it is required to interface; and
4. The equipment is complete in that it includes all options and accessories necessary for performing each emissions inspection test procedure for which it was designed and it is to be used.

(f) The Department shall periodically review and evaluate equipment offered by manufacturers of motor vehicle testing equipment of which it is aware or has been made aware and make available a list of approved equipment for specific test procedures. A copy of this list can be obtained from the Bureau of Transportation Control in the Department of Environmental Protection.

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7:27B-4.5 Procedures for the visible smoke test and the idle test

(a) (No change.)

(b) The testing procedure to be used to determine a motor vehicle's compliance with the exhaust emission standards set forth at N.J.A.C. 7:27-15.6(b)1 is the idle test and shall be performed as follows:

1. (No change.)

2. With the engine operating at idle and transmission in neutral, the sample probe shall be inserted at least 10 inches into the exhaust outlet. If the motor vehicle's exhaust system prevents insertion to this depth, a tailpipe extension shall be used. For motor vehicles equipped with multiple exhaust pipes, exhaust gas measurements shall be taken from all exhaust pipes simultaneously;

3. - 4. (No change.)

7:27B-4.6 Procedures for the 2500 RPM test

(a) The testing procedure for the 2500 RPM test, to be used to determine a motor vehicle's compliance with the exhaust emission standards set forth at N.J.A.C. 7:27-15.6(b)2, shall be performed as follows:

1. - 2. (No change.)

3. For all pre-1996 model year vehicles, a tachometer or other device approved by the Department shall be used to measure engine speed. The tachometer or other device shall be attached to the motor vehicle in accordance with the tachometer or device manufacturer's instructions. For 1996 and newer model year vehicles, the OBD data link connector shall be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link, a tachometer shall be used instead;

4. - 6. (No change.)

(b) (No change.)

7:27B-4.8 Procedures for the IM240 test

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(a) (No change.)

(b) The procedures for the IM240 test are specified as follows:

1. On and after the date EPA promulgates the exhaust test procedures to be used for the IM240 test at 40 C.F.R. 85.2221, such procedures and all subsequent revisions thereto shall be incorporated herein by reference;
2. Until EPA promulgates such procedures, the applicable procedures shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-1, entitled High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, June 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection. If the emissions of carbon monoxide, hydrocarbons, or oxides of nitrogen recorded using these procedures exceed the applicable standards specified in Table 4 at N.J.A.C. 7:27-15.6, the motor vehicle shall be determined to fail the IM240 test.

7:27B-4.10 Procedures for the evaporative pressure test

(a) The testing procedure for the evaporative pressure test, to be used to determine a motor vehicle's compliance with the evaporative pressure test requirements at N.J.A.C. 7:27-15.5(f)4, is specified as follows:

1. On and after the date EPA promulgates the procedures to be used for the evaporative pressure test at 40 C.F.R. 85.2222, or elsewhere in Title 40, such procedures and standards and all subsequent revisions thereto shall be incorporated herein by reference;
2. Until EPA promulgates such procedures and standards, the applicable procedures and standards shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-1, entitled High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, June 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection.

7:27B-4.11 Procedures for the evaporative purge test

(a) The testing procedure for the evaporative purge test, to be used to determine a motor vehicle's compliance with the evaporative purge test requirements at N.J.A.C. 7:27-15.5(f)5, shall be conducted in accordance with either (b) or (c) below.

(b) (No change.)

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(c) The EPA evaporative purge test shall be performed in accordance with the following:

1. On and after the date EPA promulgates procedures to be used for the evaporative purge test with the IM240 test at 40 C.F.R. 85.2221, such procedures and all subsequent revisions thereto shall be incorporated herein by reference; and
2. Until EPA promulgates such procedures, the procedures to be used shall be, for a motor vehicle being tested with an IM240 test in accordance with N.J.A.C. 7:27B-4.8 or an ASM5015 test in accordance with N.J.A.C. 7:27B-4.7, those procedures described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-1, entitled High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, June 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection.

7:27B-4.12 Procedures for On-Board DiagnosticsTesting

The on-board diagnostics test procedure shall be performed in accordance with the procedures at 40 C.F.R. 85.2222, and all subsequent revisions thereto, incorporated herein by reference.

7:27B-4.14 Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program

(a) Equipment used for performing the idle test, as set forth at N.J.A.C. 7:27B-4.5(b), and the 2500 RPM test, as set forth at N.J.A.C. 7:27B-4.6, shall be in accordance with 40 C.F.R. 51 Subpart S Appendix D - Steady-State Short Test Equipment, and all subsequent revisions thereto, incorporated herein by reference.

(b) Equipment used for performing the ASM5015 test, specified at N.J.A.C. 7:27B-4.7, shall be in accordance with the following:

1. On and after the date EPA promulgates the ASM5015 equipment specifications at 40 C.F.R. 85.3, such specifications and all subsequent revisions thereto shall be incorporated herein by reference;
2. Until EPA promulgates such specifications, the applicable specifications shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-2, entitled Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications, July 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection.

(c) Equipment used for performing the IM240 test, as set forth at N.J.A.C. 7:27B-4.8, shall be in accordance with the following:

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1. On and after the date EPA promulgates the IM240 equipment specifications at 40 C.F.R. 85.2226, such specifications and all subsequent revisions thereto shall be incorporated herein by reference;

2. Until EPA promulgates such specifications, the applicable specifications shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-1, entitled High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, June 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection.

(d) Equipment used for performing the evaporative pressure test, as set forth at N.J.A.C. 7:27B-4.10, the evaporative purge test, as set forth at N.J.A.C. 7:27B-4.11, or the fuel cap leak test, as set forth at N.J.A.C. 7:27B-4.13, shall be in accordance with the following:

1. On and after the date EPA promulgates the evaporative system inspection equipment specifications at 40 C.F.R. 85.2227, such specifications and all subsequent revisions thereto shall be incorporated herein by reference;

2. Until EPA promulgates such specifications, the applicable specifications shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-1, entitled High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, June 1996, incorporated herein by reference. A copy of this EPA technical guidance document has been filed with the Office of Administrative Law and may be obtained from the Public Access Center in the Department of Environmental Protection.

(e) Equipment used for performing the on-board diagnostics test, as set forth at N.J.A.C. 7:27B-4.12, shall be in accordance with 40 C.F.R. 85.2231, and all subsequent revisions thereto, incorporated herein by reference.

