

**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 Concerning Clean Screen
(Rev. MN)

DATE: June 19, 2012

INTRODUCTION

At 9:30, July 18, 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, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia. A list of meeting attendees follows:

Stakeholders

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
James Wacker-Chantilly Steering
James Wilson-Citizen

DEQ Staff

Mary E. Major
Rich Olin
Mike Thompson

NOTE: The following Vehicle Emissions Program Stakeholders were absent from the meeting: William McGillicuddy (VGMC), and James Valerio, Envirotest.

Several citizens were also present.

SUMMARY OF DISCUSSION

The meeting was called to order at 9:35 a.m. Mary E. Major (DEQ) welcomed the Clean Screen stakeholders to the meeting and discussed some general meeting logistics and stakeholder meeting guidelines and covered the following information:

- Introductions from all of those in attendance.
- Explanation of regulation adoption timeline.
- Role of group, i.e. that the primary responsibility is to collaboratively contribute to a regulation that is in the best interest of the Commonwealth as a whole. If the group cannot reach consensus, the staff will present the differing opinions to the Department management and the Board; members may submit a white paper detailing their position at the end of the process.
- Subsequent meetings: 9:30, June 25, Richmond
9:30 July 9, Northern Virginia
9:30 July 18, Richmond.

Specific locations will be published upon verification of meeting room availability.

Mr. Olin (DEQ) provided a review of the current clean screen program selection criteria. Vehicles chosen for clean screen notices are selected from the cleanest 5% of the vehicles cleaned screened within a month time-frame. The exact number chosen correspond to the number of high emitter notices issued for that month. He explained that given the increased volume of vehicles to be tested under the mandates of the new legislation, it was imperative that very specific selection criteria be established that would be applicable to all vehicles. Group discussion about selection criteria followed.

Topics included:

- Use of same standards for all vehicles regardless of age,
- Testing of government (federal, state and local) vehicles,
 - Use of 2% of vehicle population as a statistical measure for program validation,
- Loss of EPA program credit due to clean screen,
- Program specificity vs. regulation flexibility, ability to adjust standards based upon emissions reductions, and
 - Role of high emitter program.

There was discussion concerning other clean screen program in other areas. Mr. Rau (ESP) indicated there are pilot programs in two areas (Ohio and Tennessee) but that the only similar active program is in Colorado (Denver area). He indicated that the selection criteria for that program was a "flat standard" (one value per pollutant): 0.5% CO; 200 ppm HC and 1000 ppm NO. This is a different approach than what was suggested by Mr. Olin who indicated that criteria based upon vehicle weight would provide a more accurate emission determination. He suggested the use of ASM 25/25 standards.

Mr. Dell (SysTech) raised the point that it was not clear that the legislation authorized only one technology to be considered for use in the clean screen program but that other viable technologies existed that could be used to remotely test cars. He suggested that there are concerns regarding the correlation of tailpipe emission measurements with on-board diagnostic (OBD) testing required for 1996 and newer model year vehicles, that

other remote OBD testing technologies exist today and more are coming in the near future. The new regulation can be constructed to allow DEQ the flexibility to implement multiple technologies as it deems necessary to keep up with vehicle technology in the future. There was significant discussion among the group as to what the General Assembly specifically intended. Ms. Major indicated that she would consult with DEQ management on this particular item and report back to the group.

Mr. Brown (VAA) suggested that the regulation needed additional clarity regarding the high emitter aspect of the current enhanced inspection program. Discussion centered on what specific changes were required-updated emissions tables- and whether those provisions of the regulation could be changed at this time due to the one of the enactment clauses in the legislation which states, in part, "provisions of this act specifically regarding the on-road clean screen program to be effective within 280 days of its enactment." Mr. Macaulay (Macaulay & Burtch) suggested that the high emitter program could be considered part of the validation program thus making it possible to amend at this time.

It was suggested that a new section or part be created (9VAC5-91-xx) for the clean screen provisions of the emissions regulation thus avoiding the need to try to integrate the clean screen program provisions with existing definitions and program parameters for the current enhanced inspection program. DEQ staff agreed to provide an updated draft prior to the next meeting. Ms. Major indicated that staff would also explore the option of addressing the high emitter provisions as a validation mechanism for the entire enhanced program which includes clean screen.

Meeting adjourned at 12:45 PM.

CONSENSUS ITEMS

- Selection criteria should consist of ASM 25/25 standard for all vehicles with appropriate subdivisions for vehicle type based upon weight (i.e. same standard currently used in the program.)

This approach was deemed more effective than using one flat standard for all vehicle types as is currently done in Colorado.

- No federal government vehicles should be included in the clean screen program.

Enforcement of the program is accomplished via DMV denial of registration for vehicles that fail the emissions test. DMV has no registration authority for federal vehicles.

- No state government vehicles should be included in the clean screen program as it is believed that all vehicles in the state pool are registered in Richmond, outside the program geographic boundaries. DEQ staff will verify this information.

- Local government and private fleets will be included in the program.

- The use of 2 % of vehicles selected for program validation purposes is an acceptable statistical sample size.

- Care must be exercised to ensure that sufficient transparency (regulation specifics) regarding selection and program operation is balanced with regulatory flexibility to ensure appropriate adjustments can be made to ensure overall program effectiveness.

DOCUMENT DISTRIBUTION

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

1. List of Members for the Regulatory Advisory Panel
2. Department of Environmental Quality Advisory Group Protocol
3. Enabling Legislation: Virginia Acts of Assembly-2012 Session, Chapter 216.
4. 9VAC5 Chapter 91. Regulation for the Control of Motor Vehicle Emissions in the Northern Virginia Area.
5. Draft regulation integrating legislative requirements into selective sections of 9VAC5 Chapter 91.