

**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:** July 10, 2012

**INTRODUCTION**

At 9:35 a.m., July 9, 2012, 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 Rooms B and C, 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)  
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

## 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.

The issue of whether remote OBDIII as a clean screen technology should be considered under the regulatory development process was raised again by a representative of Envirotest. The representative stated that the enabling legislation requires that any equipment used in a remote sensing clean screen program must be capable of measuring exhaust pollutants. The representative stated that OBDIII, as a device that tracks whether a vehicle's emissions control systems are malfunctioning is not capable of measuring pollution and cannot provide a quantifiable pollution value as required by the legislation. Ms. Major indicated that DEQ will proceed with regulation development which included the possibility of remote OBDIII as it was important to develop selection criteria with input from the RAP. She explained that the language can be easily stricken from the regulation if it is necessary. Representatives from Envirotest, including legal counsel, agreed to participate in the OBD selection criteria discussion with the caveat that it did not indicate a change in their position that OBD should not be considered as an acceptable clean screen technology under the enabling legislation.

Mr. Olin (DEQ) provided a review of the potential selection criteria. He explained that a review of data collected for the current Virginia clean screen program indicated no significant loss of emissions credit from remote sensing observations gathered at 6, 9 or 12 month intervals.

He also suggested that a ranking of vehicles (selecting vehicles from a percentage of the cleanest vehicles) would be more appropriate selection criteria for determining which vehicles should be clean screened as opposed to using a failure rate. He suggested that failure rates will decrease over time making more vehicles eligible for clean screen; however, choosing which vehicles will be eligible for clean screen from a limited percentage of the cleanest vehicles observed will ensure that only the cleanest vehicles are selected. He also recommended that it be left to the Director's discretion to determine what the appropriate percentage cut-off should be for a one or a two- eligible observation. The appropriate percentage would be determined after evaluating data from the previous 24 months and would only be modified if necessary to meet federal program requirements.

There was consensus that, where appropriate, consistent selection criteria should be utilized for either technology used for the remote sensing of vehicles and that the EPA Guidance Document for Remote OBD I/M Programs provided specific performance criteria for the OBD technology. Only vehicles equipped with electronic vehicle identification number technology would be eligible for OBD on-road testing. Any transponder installed in a vehicle for OBD on-road testing should be installed by individuals licensed under the I/M program.

No consensus was reached regarding the timeframe for a valid infrared remote sensing observation. The remote sensing observations must be performed prior to the vehicle registration notification from DMV so that motorists can be notified that they are eligible for a clean screen. Currently, the inspection at a service station is valid for three months; the same timeframe that DMV uses to notify individuals by mail that the vehicle registration renewal is due. Representatives from the service station industry suggested that if a remote sensing observation could be valid for up to 12 months, then an inspection from a service station should be valid for the same timeframe. Mr. Olin indicated that the EPA only recognizes credit for a program that allows for a two-year inspection cycle. By allowing an inspection at a service station to be valid for up to 12 months prior to the registration expiration, a vehicle could operate for up to three years before the next inspection and that length of time is unacceptable for program integrity.

The group did reach consensus regarding the notification for clean screen. The notification would be sent to vehicle owners in a timeframe that would be compatible with the DMV vehicle registration renewal notifications. The notice would indicate that the vehicle owner could choose to use their clean screen exemption or have the vehicle inspected at an emissions inspection station.

Ms. Major explained the difficulty in locating meeting space in Northern Virginia for the next RAP meeting. If space is unavailable, the next meeting, scheduled for July 18, 2012, will need to be held in Richmond.

She also indicated that a draft regulation would be provided prior to the next meeting. The draft will contain recommended language for selection criteria for clean screen including language for issues for which the RAP did not achieve consensus on. She reiterated the option for members to prepare and submit a white paper to the Board regarding issues for which they strongly disagree.

Meeting adjourned at 1:30 p.m.

### CONSENSUS ITEMS

- The Director will have discretion to adjust the percentage used to select vehicles eligible for clean screen for either one or two observations based upon the ranking of vehicles observed within the previous 24 month period, so that only the cleanest vehicles are selected.

- Notification for clean screen will be issued in a timeframe compatible with the DMV vehicle registration renewal notifications.

- Notification for clean screen will indicate that the vehicle owner can choose to clean screen or have the vehicle inspected at an emissions inspection station.

- Where appropriate, selection criteria for clean screen will be the same for either

technology used for on-road testing.

- Only vehicles equipped with electronic vehicle identification number technology would be eligible for remote OBD III on-road testing.

- Any transponder installed in a vehicle for OBD remote sensing should be installed by individuals licensed under the I/M program.

### DOCUMENT DISTRIBUTION

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

1. EPA Guidance Document for Remote OBD I/M Programs, September 2010.

TEMPLATES\PROPOSED\RP07a  
REG\DEV\MN-RP07a-3

Attachments