

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
Northern Regional Office
Mobile Source Operations Section

OPERATIONAL ORDER	NUMBER 14	EFFECTIVE DATE: August 1, 2006 Revised: June 19, 2009
SUBJECT ON-ROAD EMISSIONS (ORE) Program PROCEDURES	ORIGINATING UNIT MOBILE SOURCE OPERATIONS SECTION	

I. PROCESSING HIGH EMITTERS

A “Gross Emitter” is a vehicle that has been determined to have exceeded the Exhaust Emissions Standards for Remote Sensing (hereafter called “remote sensing standards”). One such observation exceeding the remote sensing standards may result in the designation as a gross emitter if the vehicle is included in a “high emitter index” (HEI), which is a list of vehicles that have demonstrated a propensity to fail an enhanced emissions inspection. Multiple observations exceeding remote sensing standards are required for non-HEI vehicles.

A. When the On-Road Emissions Specialist (ORES) receives a list of potential violations from the ORE enforcement contractor, the information will be reviewed to include “pending review” and “ready to issue notice” vehicle observations. Supporting observations are also included with this information and this information and other available resources the ORES has available will be used to determine which vehicles will actually be issued an NOV. Vehicles that are registered in the Northern Virginia Program Area that are determined to have violated the remote sensing standards will neither be notified of violations earlier than three months from the last “passing” I/M inspection, nor within 6 months before the next DMV registration date, which for ORE Program purposes is the same month of the last successful I/M inspection plus 23 months. (Example: A vehicle passed an inspection Jan 12, 2004. The next DMV registration date is calculated to be Jan 31, 2006. For purposes of issuing an NOV and not being less than 6 months from the next registration month, the same day the inspection was performed in Jan ’04, the 12th, will also be used in Jan ’06. If the vehicle in question had an observation on or before the 11th of July ‘05 an NOV could be issued. If an observation was made on or after the 12th of July ‘05 an NOV would not be issued.) The ORES may want to consider the issuing date of the NOV also, in addition to the observation date as noted above due to a possible conflict with the date DMV prompts the vehicle for registration renewal. There is no time restriction for Virginia registered vehicles that are registered or garaged outside the Northern Virginia program area; the NOV may be sent at any time.

1. The list will be divided into two categories: those vehicles registered in the Northern Virginia Program Area, and those Virginia registered vehicles that are registered outside the program area but have been determined to be operating primarily in the

program area. (For purposes of identifying vehicles operating primarily in the program area, the vehicle must be observed at least three (3) times in a sixty (60) day period, with no less than thirty (30) days between the first and last observation.)

2. Only Virginia registered vehicles are eligible for an NOV. While the contractor will provide a list of vehicles that have exceeded the remote sensing standards, the ORES will review the vehicle observations in order to determine which vehicles will be issued an NOV. The ORES will compile and review any additional remote sensing observations and relevant I/M emissions inspection information as necessary, as well as other demographic information such as proximity of the vehicle owner's residence to the observation site. Also, if available, owner visited inspection station locations where the vehicle has been tested relevant to the owner's address, in an effort to avoid a possible confirmation test "pass" due to variances that can occur in some vehicle emissions or if the vehicle may not be at operating temperature. (Vehicles with multiple additional observations and station inspections that show variable results of emissions above and below limits may be left in "pending review" condition until readings indicate sufficient continuous excessive observations to warrant an NOV, as determined by the ORES.)
 3. Vehicles determined to be in violation of remote sensing standards with no contradictory issues may be issued an NOV.
 4. Notice to out of state registration agencies where offending vehicles are registered may be undertaken pending agreements among the jurisdictions.
- B. An NOV (Attachment 1) with remote sensing readings and photos available for enforcement purposes will then be prepared for each instance reviewed where the vehicle has been determined to have exceeded the remote sensing standards. The NOV will contain the following information and instructions for the owner of the vehicle:
1. The location of the observation(s) that the remote sensing equipment used to make the determination(s) in accordance with the provisions of 9 VAC 5-91-750.
 2. Information describing the year, make, and model of the vehicle.
 3. The regulatory deadlines and specific steps that the vehicle owner must take to comply with the regulations, including information on the amount of the potential civil charge for failure to comply with the requirements (9 VAC 5-91-760).
 4. A statement about the availability of financial assistance (9 VAC 5-91-742), along with a Financial Assistance Request Form (Attachment 2) and instructions.
 5. An informational brochure ("NOV insert," Attachment 3) outlining the program and all requirements, including information on emissions inspection waivers and financial assistance.
 6. The NOV will include the on-road emissions readings, standards and pass or fail (or N/A) results for each observation, and will include an image of the vehicle's license plate as taken at the time of each observation.

- C. The ORES will track all issued NOV's to ensure compliance.
- D. The ORES will assist citizens in all aspects of the ORE program and will assist the Program Manager (PM) in the arrangement of informal meetings or informal fact finding proceedings as necessary to resolve any issues a citizen may have involving program requirements or challenges to their NOV.
- E. The PM or Enforcement Compliance Specialist, will conduct all informal fact finding proceedings, and issue case decisions. Informal fact finding proceedings shall be conducted in accordance with Agency Policy and the Virginia Administrative Process Act (APA).
 - 1. Upon notice of a request for an informal fact finding or meeting, the ORES will notify the PM. The PM and ORES will then proceed with all necessary actions to conduct an informal fact finding proceeding. This proceeding shall consist of a meeting between the PM or Enforcement Compliance Specialist, the ORES, and the citizen requesting the meeting. Upon presentation of relevant facts from both parties, a case decision shall be made concerning the appeal. Proper notification of the decision and the citizen's rights to appeal or request a formal hearing shall be made to the citizen in accordance with the APA.
 - 2. The citizen may appeal the case decision. If the citizen appeals, the presiding officer shall be the Regional Director or Deputy Regional Director in accordance with 9 VAC 5-91-600.E. and Agency Policy Statement 2-2003, "Delegations of Authority" (June 2003).
 - 3. The citizen also has a right to appeal any decision DEQ makes regarding any matters involving ORE and request a formal hearing. Citizens shall be informed of this right, and any proceeding(s) shall be conducted in accordance with the APA.
 - 4. In accordance with the APA, the parties may agree to waive any appeal(s), or proceed to a Consent Order (an agreement between the citizen and the DEQ.) The parties also may agree that any case decision resulting from the issuance of an NOV is a final decision that may be appealed to court. For general provisions, see 9 VAC 5-91-600.
 - 5. In all cases, the parties have a right to agree to waive one procedure in lieu of another in accordance with the APA and 9 VAC 5, Chapter 91.
- F. In the event of a request for financial assistance where the result is an emissions inspection waiver, the ORES will review the documentation for financial assistance eligibility and then forward the waiver information to the PM who will then assign it to the appropriate Vehicle Emissions Compliance Officer (VECO) for further review and action if necessary. The VECO shall undertake such review in a timely manner, and notify the PM and the ORES of any issue(s) that could result in the applicant being ineligible for financial assistance. (Information on those facilities and/or personnel allegedly not in compliance with all applicable waiver issuance regulations may generate further enforcement action by the VECO regarding such issuance.)

- G. Owners of Virginia registered vehicles that are registered outside of but are determined to be operated primarily in the program area may submit any statements or information to refute the allegation leading to the determination of “operated primarily.” Such statements or information may be in any form and may be delivered by any medium including telephone, email, written correspondence, personal meeting or other method. The ORES shall record in the appropriate ORE log any such communication, to include name, date, medium and summary of the discussion. (The NOV status page in the contractor software has an area for comments. This area will be used to enter any information, especially verbal communications, deemed necessary to support or explain subsequent actions by the ORES involving a particular NOV.) The ORES will review any such statements or information and make a determination as appropriate whether to change the status of the NOV to “disregard” or take other appropriate action. (Continuing evidence of operating primarily in the program area may be cause to reinstate an NOV and/or issue a new NOV depending on the circumstances.) The owner may appeal an action that may be adverse to the owner involving a request to discontinue an active NOV status (see “E” above).
- H. Failure of a vehicle owner to demonstrate compliance within 30 days from the date of the NOV will result in a “final determination” that the vehicle has exceeded remote sensing standards. In a timely manner, not to exceed forty five (45) days under normal circumstances from the date of the NOV, a final notice “Invoice” (Attachment 4) will be prepared and sent to the vehicle owner. It will describe the amount of the civil charge that is due (pending negotiations if requested by the owner), will fully explain the requirements and the consequences of continued failure to comply, and will afford the owner a reasonable opportunity to respond. A duplicate of the original NOV will also be included. If necessary, successful completion of negotiations will require a Consent Order (Attachment 5), to include amount of civil charge, to whom payable and the address to which it should be sent.
- I. If there has been no response, no payment of the civil charge and no evidence on the inspection database of attempted Confirmation Inspections after ninety (90) days from the date of the original NOV, the matter may be referred to the Finance Office for collection of the civil charge. (Note: compliance ultimately demonstrated within 90 days from the date of the original NOV may be cause to cancel any requirement for a civil charge.) The ORES will take into consideration any information or extenuating circumstances alleged by the owner before either sending the final notice and/or before referring the matter for collection. Any such matters may be brought to the attention of the PM for additional discussion and resolution.

II. FINANCIAL ASSISTANCE

Financial assistance may be approved to reimburse a portion of certified repair costs, pending availability of funds, for qualified owners of vehicles that have failed a Confirmation Test in accordance with 9 VAC 5-91-741, 742 and 743. Requests for financial assistance, to include repair information and all other requested information on the application form, must be received within 90 days from the date of the NOV. Funding for repair assistance is limited; the regulations therefore provide for a formula to determine the amount of assistance available. The formula may be changed, however, depending on experience with the program (9 VAC 5-91-741.D.).

- A. The ORES will review all applications for financial assistance to ensure accuracy and that all required information is provided. If any information is incorrect or missing or the ORES determines that the applicant is not eligible for financial assistance, the applicant will be so notified via letter. The letter will include the reason(s) for the denial (Attachment 6), and will be sent within ten (10) days of the determination. No further action is necessary until complete and accurate information is received.
- B. The owner may appeal a denial of assistance within 30 days of the date of the letter indicating denial. Intent to appeal may extend the overall time allowed to request financial assistance to include time for the appeal to be resolved.
- C. If information received from the citizen appears to conflict with Certified Repair Facility or Certified Repair Technician submissions, the ORES will forward such material to the PM who will assign it to the appropriate VECO for investigation. The VECO shall investigate such matters in a timely manner, and inform the PM and the ORES of the results of the investigation.
- D. If the application is complete, the applicant appears to be eligible for assistance and there is no evidence of prior financial assistance for the current NOV, the ORES will calculate the appropriate amount. (All amounts shall be rounded to the nearest whole dollar.) The amount shall be determined as follows:
 - 1. The full amount paid for certified repairs is multiplied by 50% (Amount A)
 - 2. The full amount paid for certified repairs is reduced by \$100 (Amount B)
 - 3. The amount of assistance to be paid (Amount C) is the LESSER of Amounts A or B,
subject to:
 - a. A *maximum* payment of 50% of the waiver cost amount, and
 - b. A *minimum* of \$25.00.

So, if Amount C is less than \$25.00, no payment is made. If Amount C is more than 50% of the waiver cost amount, the amount to be paid is limited to 50% of the waiver cost amount.

Note: To qualify for assistance, repairs must meet the same certification requirements as those for an emissions inspection waiver, and must be fully documented. The eligible assistance amount will be noted on the Financial Assistance Form along with the NOV control number (the NOV control number shall consist of the NOV ID number preceded by ORE; for example, "ORE 06-00001"). The form is then forwarded to the DEQ Finance Office for processing. Any payments made will be decided upon and paid directly to the applicant by the DEQ Finance Office.

Examples of financial aid calculations:

Example 1: The applicant paid \$950.00 for certified emissions related repairs. This is multiplied by 50% = \$475.00 (Amount A). The \$100.00 co-pay is then subtracted from the amount paid = \$850.00 (Amount B). The LESSER of the two is Amount A, \$475.00. Since the citizen will have paid at least the \$100.00 co-pay even after any approved assistance, Amount A would be the correct amount – *except that it is more than the maximum*. So, if the waiver cost amount is \$725.00, the maximum amount payable as assistance in this case is \$363 (\$725 x 50% = \$362.50 rounded up to \$363.00).

Example 2: The applicant paid \$310.00 for certified emissions related repairs. This is multiplied by 50% = \$155.00 (Amount A). The \$100 co-pay is then subtracted from the amount paid = \$210.00 (Amount B). The LESSER of the two is Amount A, \$155.00. Since the citizen will have paid at least the \$100 co-pay even after any approved assistance, Amount A would be the correct amount. And since this amount is less than the maximum amount allowable, and more than the minimum payable amount, \$155.00 is the correct amount of assistance in this case.

Example 3: The applicant paid \$110.00 for emissions related repairs. This amount is multiplied by 50% = \$55.00 (Amount A). The \$100.00 co-pay is then subtracted leaving only \$10.00 (Amount B). This is less than the minimum assistance payment of \$25, so there is no repair assistance paid in this case.

- E. While repairs qualifying for an emissions inspection waiver must equal or exceed the current waiver amount, any repairs required due to the ORE program are to be considered for financial assistance. For this reason, it is important to carefully review all submissions to ensure that all ORE qualifications are met. Note: sales tax for emissions related parts should be included in the calculations, but unrelated items such as shop supplies, disposal fees, inspection fees or any non-emissions related items may not be included.

III. CLEAN SCREENING

“Clean Screening” is available for most non-OBD II equipped affected motor vehicles registered in the I/M area. They must be within a window of less than fifteen (15) months before, but more than four (4) months prior to the Department of Motor Vehicles (DMV) emissions due date (example: the month of the last emissions inspection +2 years to the month with expiration extended to the end of that month). Example: The last emissions inspection “pass” was January 3, 2004; add two years, now January 3, 2006, and extend that to the last day of the month, January 31, 2006. In addition the DMV last recorded inspection must be a normal biennially required “pass” result from an emissions inspection station in order to be considered for a clean screen. If a vehicle has qualified for a clean screen, the owner will be notified and a signal will be sent to the DMV indicating a “pass” on the date of the most recent qualifying observation. That signal is treated as any other emissions inspection “pass” and may therefore allow an extended registration period without an emissions inspection being required.

- A. If a vehicle or vehicles are identified by the ORE Contractor as meeting the clean screen requirements, the contractor will put these vehicles in a “pending” file. The contractor will then adjust the list to prioritize it to show the cleanest vehicles in the list. The list will be comprised of enough vehicles to satisfy maximum issuance of Clean Screen letters, if possible, based upon NOV issuance stated next. The ORES will determine if the maximum number of allowed clean screens for any given month has been reached, as follows: for the preceding 30 day period, up to 5% of the number of such vehicles observed two times which have been detected as having the cleanest observations may be eligible for a clean screen. The maximum number of such vehicles will not exceed the number of ORE NOVs issued in the immediately preceding month. No vehicle groups equal to or less than 4 vehicles will be included in the Clean Screen process (this information will be supplied by the contractor). OBD II equipped vehicles are excluded. This regulation is being interpreted as “the cleanest” defined in this case as from the vehicle population of observed vehicles with the lowest “passing” tailpipe emissions among all others of the same vehicle year/type/model/standards grouping. (Vehicles are grouped in such a manner as to avoid only the most recent model year vehicles being eligible for clean screening.)
- B. If the maximum number of “the cleanest” observations have not been reached, a request for owner information for additional eligible vehicles may be sent by the contractor to the DMV.
- C. Upon determination by the ORES and all requirements have been met, the vehicle owner will be notified of the results of the remote sensing observations, and a “pass” signal will be sent (by the contractor when the ORES initiates the Clean Screen process) to the DMV using the date of the most recent qualifying observation as the “pass” date. (See Attachment 7 for notification letter.) No further action should be necessary.

List of Attachments:

- 1. Notice of Violation
- 2. Financial Assistance Request Form
- 3. NOV information insert
- 4. Final Notice
- 5. Consent Order
- 6. Letter of financial assistance denial
- 7. Clean Screen notification letter



COPY

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

David K. Paylor
Director

NOTICE OF VIOLATION OF EXHAUST EMISSIONS STANDARDS FOR REMOTE SENSING

Regional Director

Date: 12/12/2006 NOV ID No. 06-00

Name: [REDACTED] Year: [REDACTED]

Address: [REDACTED] Make: [REDACTED]

City: [REDACTED] Model: [REDACTED]

License Plate: [REDACTED]

Vehicle ID No.: [REDACTED]

Dear Mr. [REDACTED]:

Our records indicate that you are the registered owner of the vehicle identified in this Notice. If you do not own this vehicle, please notify us right away.

This notice contains important information about a determination by remote sensing equipment that your vehicle has exceeded exhaust emissions standards for remote sensing (9 VAC 5-91-180). Please read the complete notice before doing anything. Please also see the enclosed pamphlet for additional information and instructions regarding this Notice. You may contact the Northern Virginia Regional Office at (703) 583-3800 in order to ask any questions about this Notice, the Department's enforcement process, to contest the determination, or to present further relevant information.

Information upon which this determination has been made is included with this Notice. Failure to satisfactorily comply with the requirements described below within thirty (30) days of the date of this Notice may result in a final determination that civil charges are due and payable (see below). This Notice of Violation is not an agency proceeding or determination that may be considered a case decision under the Virginia Administrative Process Act, VA Code § 2.2-4000 et seq.

Owners of vehicles that have been determined by remote sensing equipment to have exceeded the exhaust emissions standards for remote sensing are required to bring the vehicle to an Emissions Inspection Station for an emissions inspection "Confirmation Test" (an emissions inspection performed in response to this Notice). You must bring this Notice with you to the Emissions Inspection Station, and present it when you request the Confirmation Test. If the vehicle fails the Confirmation Test, repairs should be performed in order to pass or to receive an emissions inspection waiver. In order to avoid a civil charge or further legal action, the vehicle must pass or receive an emissions inspection waiver within thirty (30) days of the date of this Notice.

PREVIEW ONLY-DO NOT DISTRIBUTE

ATTACHMENT 1 143

~~Notice of Violation.~~
NOV:HD NO. 06-00340

Important: You should not have repairs done on the vehicle before the Confirmation Test has been performed. The results of the Confirmation Test will determine whether the vehicle actually needs repairs or not. If the vehicle passes and you have shown this notice to the inspection station before the test was performed, there will be no fee charged and you will not need to have any repairs done. If the vehicle fails, the Emissions Inspection Station is allowed to collect the inspection fee. You will be allowed one free reinspection within fourteen (14) days at the same station that performed the initial Confirmation Test. Please notify the Department when you have complied with the requirements of this notice.

Civil Charge Amount:

Failure to obtain an emissions inspection pass or waiver by 1/14/2007 could result in a requirement for you to pay a civil charge in the amount of \$.00 for the exceedance(s) included in this Notice. Please also note that additional determinations of exceedances of remote sensing exhaust emissions standards after this date could result in additional notices, civil charges or legal action.

Additional Information:

Emissions related repairs may be performed at a facility of your choice. However, in order for emissions related repair costs to count towards an emissions inspection waiver or for state financial assistance, the repairs must be performed by or under the supervision or approval of a Virginia Certified Emissions Repair Technician (CRT), and must be performed at a Virginia Certified Emissions Repair Facility (CRF) that employs that CRT. You may find additional information and lists of CRFs online at www.deq.virginia.gov/mobile, or by calling the Mobile Source Operations Section at (703) 583-3900, or toll-free in Virginia at 1-800-275-3844.

If you have any questions or need additional information regarding this Notice, or if you would like to request a meeting to discuss the on-road emissions observations for this vehicle, please contact the Department of Environmental Quality, attention On-Road Emissions Program Specialist, at (703) 583-3900 or toll-free in Virginia at 1-800-275-3844.

COPY

Signed: _____

Date: 12/12/2006

Roger L. Stiltner,
On-Road Emissions Program Specialist
(703) 583-3900 fax (703) 583-3871
Toll-Free in Virginia 1-800-275-3844

(Please see the Information and Instructions insert enclosed with this Notice.)

**Details of Exhaust Emissions
Observed by Remote Sensing Equipment:**

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Vehicle Identification Number: XXXXXXXXXX NOV ID Number: 06-00
NOV Date: 12/12/2006 Required Compliance Date: 1/14/2007

On-Road Emissions Information

Observation #1

Date: Friday September 15 2006
Time: 08:56 AM
Location: Fairfax (VA079)
Vehicle Tag No.: XXXXXXXXXX



<u>Remote Sensing Standards</u>		<u>Observed Readings</u>	<u>Result</u>
HC (ppm)	364	HC (ppm) 151	Pass
CO (%)	2.00	CO (%) 2.73	Fail
NO (ppm)	2576	NO (ppm) 1800	Pass
CO2	N/A*	CO2 13.03	N/A*

* See note below for an explanation of the "N/A."

If "N/A" appears in the observation details above, it means that the standard, reading and/or results do not apply for this particular vehicle. This information is provided because it can be helpful for diagnosis and repair.

PREVIEW ONLY-DO NOT DISTRIBUTE

ATTACHMENT 1 3/3



Virginia On-Road Emissions Program Application for Financial Assistance for Vehicle Emissions Related Repairs



To prevent delays in processing, please read this entire form first, including the information and instructions on the back of this form. You must provide all required information, including your Social Security Number. This application and all supporting documentation must be received or postmarked within sixty (60) days of the date of the "Confirmation Test" (the emissions inspection that is required by the Notice of Violation of Exhaust Emissions Standards for Remote Sensing).

Full Name: _____
 (Last) (First) (Middle)

Address: _____
 (Street) (Apt. #)

 (City) (State) (Zip Code + 4 if known)

Your Social Security Number*: _____

*This information is required by Section 2.2-803 of the Code of Virginia and Internal Revenue Service requirements. Payments may not be made without this information.

Daytime phone number where you may be contacted: _____ () _____

Total verifiable annual family household income: \$ _____

Total number of verifiable family household members living with applicant: _____

Note: The total of your family's annual household income must be at or less than 133% of the Federal Poverty Guidelines to qualify for repair assistance (see back page).

Vehicle Information (for failed vehicle)

Year: _____ Vehicle Identification Number: _____

Make: _____ Va. License Plate Number: _____

Model: _____ Certified Emissions Related Repair Costs: \$ _____

I affirm under penalty of law that the information provided by me on this application, including all related documents and attachments, is true and correct to the best of my knowledge and understanding.

Applicant signature: _____ Date: _____

DO NOT WRITE BELOW LINE—OFFICE USE ONLY

Date Form Received: _____ Approved/Denied: Approved Denied

Application Reviewed by: _____ Amount Approved: \$ _____

Approved by: _____ Date Forwarded to Finance: _____

INSTRUCTIONS AND INFORMATION for REPAIR ASSISTANCE

Financial assistance for emissions related repairs may be available for qualified owners of vehicles that have failed a Confirmation Test due to a determination by remote sensing equipment that your vehicle exceeds remote sensing limits and you have received a Notice of Violation. Repair assistance is subject to available funds – it is not guaranteed.

To apply for partial reimbursement of emissions related repair costs, you must be the registered vehicle owner, and you must submit the following:

- This original application with your signature, and with all required information provided;
- A copy of the “Pass” or “Waiver” inspection report after the repairs were done;
- A copy of your current Virginia Drivers License (picture side only);
- A copy of the vehicle’s current Virginia registration card (address and owner information side only);
- A copy of the current Virginia state safety inspection receipt (pink copy);
- A copy of all related repair receipts;
- A copy of all completed and signed Emissions Repair Data Forms for the emissions related repairs (these forms are provided by the inspection station at the time of the emissions inspection failure).
- Minimum benefit payout is \$25; therefore emissions related repairs must total \$125 or more.

Important: Repairs must have been performed (or supervised/approved) by a Virginia Certified Emissions Repair Technician at a Virginia Certified Emissions Repair Facility, and you must have paid for the repairs. The vehicle must also have a “pass” or “waiver” inspection report from the repairs. The actual amount of assistance will be 50% of the amount paid for Certified emissions related repairs, subject to a minimum \$100 co-pay. The maximum amount of repair assistance is also limited to 50% of the current waiver amount, and subject to a \$25.00 minimum. Example: Repair costs of \$500 x 50% = \$250. The \$100 co-pay will have been met in this case and the benefit amount is less than the maximum and more than the minimum, so \$250 is the amount to be paid.

The need for specific repairs and the accuracy of all supporting documents will be verified. Repairs to components that have been tampered and/or vehicle problems that prevent the vehicle from being tested are not eligible for reimbursement.

Your Social Security Number is required in order to receive any payments from the state. No payments may be made without this information.

Mail or deliver this application and all supporting documentation to:

Virginia Department of Environmental Quality
 Mobile Source Operations Section, ORE Program
 13901 Crown Court
 Woodbridge, Va. 22193-1453
 Hours of Operation: M-F 8:00 a.m. – 4:30 p.m.
 Closed on State Holidays

For information about this application, please call (703) 583-3900, or toll free in Virginia 1-800-275-3844.

Guideline to Determine Eligibility for Repair Assistance:
 Use Column 2 to determine your eligibility.

1 If the size of your family’s household is:	2 The total annual verifiable family household income may not be more than:	Use Column 2 ← ← To Determine Your Eligibility	These are the 2007 <u>Federal</u> Poverty Guidelines for the 48 Contiguous States and D.C.
1	\$13,832		\$10,400
2	18,620		14,000
3	23,408		17,600
4	28,196		21,200
5	32,984		24,800
6	37,772		28,400
7	42,560		32,000
8	47,348	Information ONLY → Do Not Use These Amounts	35,600
For each additional person over 8, add	4,788		3,600

Is there assistance available to help with repair costs?

Yes, if funds are available. If so, qualified vehicle owners may receive financial assistance from DEQ to help with the cost of repairs if all of the following conditions are met:

- The owner has a valid Virginia Driver's License.
- The vehicle has a current Virginia state safety inspection sticker.
- The applicant is the owner of the vehicle.
- The applicant has met annual household income requirements stated on the Financial Assistance Form.
- The form is completely and accurately filled out and signed.
- Repairs have been performed at a Virginia Certified Emissions Repair Facility and all bills have been paid in full.
- All program requirements have been met.

Only Certified repairs that are required by this Notice will qualify for assistance (see waiver information regarding Certified repairs). DEQ will audit all financial assistance requests. The actual possible payment is 50% of the amount paid for Certified repairs, with a \$100 minimum co-payment. The maximum amount of repair assistance is limited to 50% of the current waiver amount, and is subject to a \$25.00 minimum.

Example 1: Repair costs of \$500 x 50% = \$250. The applicant will have paid at least the \$100 co-pay in this case; the amount is less than the maximum and more than the minimum, so \$250 is the amount to be paid.

Example 2: Repair costs of \$110 x 50% = \$55. The applicant must pay at least \$100, leaving only \$10 which is less than the minimum. No payment in this case.

What if I miss the Notice deadline?

If we do not hear from you (DEQ recommends calling, especially if a deadline is near), or if we do not receive an electronic record from an EIS of a pass or waiver inspection within the 30-day time limit, you may be required to pay the civil charge amount shown in the Notice. You will be sent an additional notice with information and instructions regarding the civil charge.

DEQ recommends that you contact us immediately if you cannot meet the deadline. Failure to respond to the notice could lead to further legal action.

If you are required to pay the civil charge, make a check or money order payable to:

Treasurer of Virginia

And mail it, along with a copy of the notice, to:

Department of Environmental Quality
P.O. Box 1104
Richmond, Va. 23218

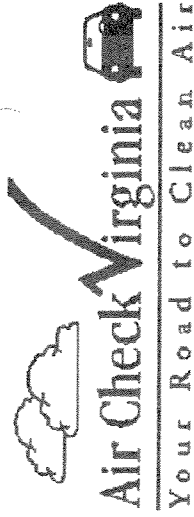
For information or assistance:

Department of Environmental Quality
Mobile Source Operations Section
13901 Crown Ct.
Woodbridge, Va. 22193

Call (703) 583-3900
or
Toll-free in Virginia,
1-800-275-3844

Please ask for the
On-Road Emissions Program Specialist.

(Rev. March 2007)



**ON-ROAD EMISSIONS PROGRAM
INFORMATION & INSTRUCTIONS**

**NOTICE OF VIOLATION
of
EXHAUST EMISSIONS
STANDARDS FOR REMOTE SENSING**

What is the On-Road Emissions Program?

The On-Road Emissions (ORE) Progr. consists of a van set up with a computer and spec equipment that can read exhaust gases as vehicle drive by. This allows large numbers of vehicles to be observed and their emissions evaluated at little or no inconvenience to the citizen.

This equipment can be used to make determination that a vehicle is not performing within remote sensing emissions standards as appears to be in need of repair.

What vehicles are subject to the Northern Virginia ORE Program?

- Most model year 1968 or newer cars and light trucks that have a gross vehicle weight rating 10,000 pounds or less.
- All such vehicles registered in Virginia that operated primarily in the Northern Virginia area.

Exempted Vehicles: Some vehicles (such as motorcycles, registered antiques, electric-power

or clean special fuel vehicles) may be exempted from the ORE Program. There may be other exceptions depending on vehicle usage that will be considered on a case-by-case basis.

What does the Notice of Violation mean?

You have received a Notice of Violation (Notice) of Exhaust Emissions Standards for Remote Sensing from the Department of Environmental Quality (DEQ) showing a determination by remote sensing equipment that your vehicle is emitting excessive pollution.

Within thirty (30) days of the date of this Notice, your vehicle must have either passed an emissions inspection or received an emissions inspection waiver. The first step in this process is to present the vehicle to an emissions inspection station for a "Confirmation Test." This is an emissions inspection that will determine whether the vehicle is in need of repair or not. A fee of up to \$28 dollars may be charged for this test. (Please see "Should I bring anything with me?" for additional information regarding the fee.)

In order to meet the requirements of the Notice, the vehicle must pass a regular tailpipe inspection or receive an emissions inspection waiver within 30 days of the Notice. If you don't meet this deadline, you may be required to pay the civil charge listed on the notice.

What if I disagree with the Notice of Violation?

If you have questions or concerns about program results or about a Notice of Violation of Exhaust Emissions Standards for Remote Sensing, please contact the Department of Environmental Quality. Please refer to the "For Information or Assistance" section.

LET'S GET STARTED!

Take the vehicle to an Emissions Inspection Station (EIS) of your choice.

If you live in the Northern Virginia area you may already have an EIS that you normally use. If you live outside the Northern Virginia area, or are unfamiliar with the location of inspection stations, you can visit our website, www.deq.virginia.gov/mobile, and use the "Air Check Facility Locator" function to find an EIS in the program area, or you may call for assistance.

Make sure that your vehicle is in good working order and safe to drive. You should drive the vehicle long enough to make sure that the engine is at normal operating temperature before the Confirmation Test.

Should I bring anything with me?

Yes, you must bring the Notice with you to the EIS. (This is important! If your vehicle passes the Confirmation Test, the inspection fee will be waived *only* if you remembered to present the Notice **before the test**). The inspector will need the Notice to identify the inspection as a Confirmation Test. And remember to get the Notice back and take it with you when you leave the station.

Important: You should have the Confirmation Test performed first, before you have any repairs done. You want to make sure that repairs are actually needed. **If the vehicle passes the Confirmation Test, contact us with the results.** And remember, if you present the notice first and the vehicle passes, there is no fee for the Confirmation Test.

What if my vehicle fails?

If your vehicle fails the Confirmation Test, you will need to have it repaired in order to pass the test, or if it still fails, the repair cost may qualify for an emissions inspection waiver. Waivers are granted when you have Certifications done (see below), and those repairs exceed the current waiver amount (check our website or call for current information). You may take your vehicle anywhere for repairs, but Certified repairs will count towards a waiver. DEQ audits all waivers to ensure accuracy.

After repairs, the vehicle must be inspected. **The first reinspection at the original EIS within 14 calendar days is free.**

What about a waiver?

You may be eligible for a waiver if:

- The vehicle fails a retest that is required because it failed for exhaust emissions and an OBD II result (if OBD II is required) the initial Confirmation Test.
- The vehicle has been repaired at a Virginia Certified Emissions Repair Facility (CFE) and the repairs were done or supervised by a Virginia Certified Emissions Repair Technician (CRT).
- The total cost of repairs meets or exceeds the current waiver amount.
- You have work receipts and an "Emissions Related Repair Data" form that is properly filled out at the CRF and signed by the Certified Emissions Technician (An Emissions Related Repair Data form will be given to you by the inspector if the vehicle fails the Confirmation Test.)

Take your vehicle and forms to the station, and, should the vehicle still fail, you may receive a waiver. **If you receive a waiver, please contact us with these results.**



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN VIRGINIA REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Regional Director

Today's Date: 6/3/2008
Final Due Date: 7/6/2008

To:

Notice of Violation ID No.: 08-00061

1998 BMW 7-Series

License Plate:

Vehicle Identification No.:

Final Agency Determination and INVOICE

This is an invoice for a civil charge due and payable as referenced in a "Notice of Violation of Exhaust Emissions Standards for Remote Sensing" (Notice) dated 03/31/2008 regarding a determination by remote sensing equipment that the vehicle identified above has exceeded exhaust emissions standards for the On-Road Emissions Program. Please refer to that Notice (copy enclosed) for details of this determination and other important information. As of the date of this Invoice, the Department of Environmental Quality (DEQ) has not received a record of your compliance with the requirements of that Notice. DEQ has therefore made a final determination regarding the exceedances, and the civil charge is now due and payable. The amount of your civil charge is determined by the actual emissions from your vehicle as observed by the remote sensing equipment. Based on those readings and as stated in the Notice, the amount of your civil charge is **\$347.50**. Failure to pay the civil charge could result in additional enforcement action.

As provided by Rule 2A:2 of the Rules of the Supreme Court of Virginia, you have 30 days from the date of service of this letter (the date you actually received this letter or the date on which it was mailed to you, whichever occurred first) within which to initiate a judicial appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

In the event that this letter is served to you by mail, 3 days are added to that period. Refer to Part 2.A of the Rules of the Supreme Court of Virginia, which describes the required contents of the Notice of Appeal and additional requirements governing appeals from the decisions of administrative agencies.

Final Agency Determination and Invoice.
 Notice of Violation Identification No. 08-00061

If you choose not to file a Notice of Appeal, payment must be mailed and postmarked within thirty (30) calendar days of the date of this notice (3 days added as noted above). You may wish to make a copy of this document for your own records. Your check or money order along with this signed and dated invoice must be completed and mailed as follows:

Make Check or Money Order <u>Payable to the</u> <u>Order of:</u>	Treasurer of Virginia	<u>Mail</u> Check or Money Order and this Invoice to:	Department of Environment Quality P.O. Box 1104, Receipts Control Richmond, VA 23218
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Note: Payment of the civil charge in this matter does not relieve your responsibility to comply with emissions standards. Continued operation of the motor vehicle in violation of emissions standards could result in additional Notices and civil charges.

If you do not now own the vehicle described above (or did not own it on the dates shown in the Notice), or if you believe that you have complied with the requirements in the Notice, please contact the On-Road Emissions Program Specialist immediately at (703) 583-3900 or toll-free in Virginia at 1-800-275-3844.

<u>Sign and date this notice, and mail it with your check or money order to the address shown above.</u>	
_____ Signature	_____ Date
_____ Print your full name	_____ Social Security or Federal Identification Number

COPY

 Signature Date

J. Michael Thompson, Jr.
 Program Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE
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(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

David K. Paylor
Director

Regional Director

DATE

TO: VA Emissions Control, Inc.
T/A Mobile Source Operations Section
13901 Crown Court
Woodbridge, VA 22193-1453

Notice of Violation I.D. #000001

SUBJECT: CONSENT ORDER

It is understood and agreed that the above named vehicle owner has been served notice pertaining to a determination by remote sensing equipment that your vehicle has exceeded exhaust emissions standards for remote sensing:

[Reference the excessive observances, date(s), and identifying number if applicable]

Ref: [Regulatory Section(s) & Paragraph(s)] Observances: [# of observances]

I understand that I have the right to contest the observances and appear for an informal fact finding proceeding according to the Virginia Administrative Process Act. However, I do not wish to contest the Notice, and agree to the following condition(s):

1. Payment of a civil charge in the amount of six hundred ninety five dollars (\$695.00). Payment to be mailed, **with a copy** of this consent order to the address below, **within five (5) days**.
2. Submission of the vehicle to be inspected at an official Emissions Inspection Station of your choice and obtain a "pass" result or an emissions inspection waiver within thirty (30) days.

Make Check
Payable
to the Order of:

Treasurer of Virginia

Mail
to:

Department of Environmental Quality
P.O. Box 10150, Richmond, VA 23240

Failure to comply with the terms of this consent order may result in further enforcement action. I agree to fully comply with all applicable program regulations. I understand that the completion of these consent order requirements will serve as the disposition of the Notice of Violation in this matter. The disposition of this Notice does not preclude any future Notices of Violation that may be issued due to additional determinations by remote sensing equipment of violations of exhaust emissions standards for Remote Sensing, as set forth in 9 VAC 5-91-180.

Signature

Date

Signature

Date

Vehicle Owner

DEQ Representative: Jeffery A. Steers
Title: Regional Director

COPY

ATTACHMENT

5



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN VIRGINIA REGIONAL OFFICE
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(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Regional Director

January 30, 2006

Ms. Stake
5015 Foul Air Place
Tunerville, Va. 22101

Dear Sir/Ma'am,

Please be advised that the Department cannot approve your request for financial repair assistance at this time for the reason(s) specified below.

- | | | | |
|-----------------------------------|--------------------------|--|--------------------------|
| No Signature | <input type="checkbox"/> | Insufficient Vehicle Information | <input type="checkbox"/> |
| Insufficient Personal Information | <input type="checkbox"/> | Insufficient Vehicle Repair Data/Documentation | <input type="checkbox"/> |
| No Social Security Number | <input type="checkbox"/> | Not Qualified Based on Information Provided* | <input type="checkbox"/> |
| No Family Income Included | <input type="checkbox"/> | Other* | <input type="checkbox"/> |
| No Family Member Count Provided | <input type="checkbox"/> | (* See explanation below) | |

Explanation:

If you choose to appeal this decision, you must do so within 30 days of the date of this letter. You may also re-submit your claim if conditions have changed within this time period; be sure to provide any updated information that is relevant to your case. Incomplete applications are not eligible for an appeal, but you may submit required additional information within 30 days of the date of this letter.

If you wish to appeal, or if you have any questions or need assistance, please contact Air Check Virginia at (703) 583-3900 or toll free at 1-800-275-3844.

Sincerely,

COPY

Roger L. Stiltner
Remote Sensing Officer

c: file

ATTACHMENT 6



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Regional Director

3/27/2008

CS ID No. 08-00208

[REDACTED]

Reference: On-Road Emissions Program
Vehicle Emissions Inspection "Clean Screen Pass" on 02/26/2008
1989 Toyota Pickup License Plate: [REDACTED]
Vehicle ID No.: [REDACTED]

Dear Mr. Ortiz:

Our records indicate that you are the owner(s) of this vehicle; if this is not correct, please notify us immediately.

The On-Road Emissions (ORE) Program is more than just a way to identify excessively polluting vehicles. It also helps Virginia to monitor its progress towards clean air goals set by the Environmental Protection Agency for the Northern Virginia area. But more importantly for you in this case, through a determination made by the remote sensing equipment, some vehicles in the Northern Virginia Area have been observed as being very clean.

The vehicle identified above has met the "Clean Screen Pass" requirements of Air Check Virginia's ORE Program, effective on the "Clean Screen Pass" date of 02/26/2008. A notice has been sent to the Virginia Department of Motor Vehicles (DMV) indicating the pass result and date. Depending on this vehicle's next registration renewal date, you may be able to renew the registration for one additional year without the emissions inspection requirement. When you receive your next registration renewal document from DMV, it will indicate the allowable term of registration.

If you have any questions or need to contact us, please don't hesitate to contact the Mobile Source operations Section at (703) 583-3900 or toll-free in Virginia at 1-800-275-3844.

Please retain this notice for your records.

Sincerely,

COPY

J. Michael Thompson, Jr.
Program Manager

ATTACHMENT 7