

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MAY 14, 2013**

CACHE COUNTY COUNCIL
MAY 14, 2013

APPOINTMENT – Baugh, Annette-Cache County Deputy Sheriff	1
APPOINTMENT – D'Addabbo, Joshua Raymond-Cache County Deputy Sheriff.....	1
APPOINTMENT – Nelson, Justin-Cache County Deputy Sheriff.....	1
ASSESSOR – Software Report.....	2
BAUGH, ANNETTE – Appointment-Cache County Deputy Sheriff.....	1
BEAR LAKE COMMUNITY HEALTH CENTER, INC. dba CACHE VALLEY COMMUNITY HEALTH CENTER – Findings of Fact.....	3
BEAR RIVER HEALTH DEPARTMENT REGULATION NO. 2013-01 – Vehicle Emissions Inspection & Maintenance Program-Approval of	5
BOARD OF EQUALIZATION	3
BUDGET – Public Hearing Set-May 28, 2013-6:00 p.m.—Open 2013 Budget	4
BUDGET – Capital.....	2
CACHE COUNTY CODE, CHAPTER 3.60 REAL PROPERTY TAX SETTLEMENTS AND DEFERRALS – Ordinance No. 2013-09-Amending	5
CACHE HUMANE SOCIETY REZONE – Public Hearing Set-May 28, 2013-5:45 p.m.....	4
CACHE VALLEY COMMUNITY HEALTH CENTER – Findings of Fact-Bear Lake Community Health Center, Inc. dba.....	3
CANAL RESTORATION PROJECT RIBBON CUTTING – Media Day	7
CAPITAL BUDGET.....	2
COUNTY SURVEYOR.....	2
D'ADDABBO, JOSHUA RAYMOND – Appointment-Cache County Deputy Sheriff.....	1
EQUIPMENT LEASE PURCHASE WITH ZION'S BANK – 5 Fire Tender Trucks-Consideration of an.....	6
FINDINGS OF FACT – IHC-Logan Regional Hospital, Sunshine Terrace Foundation, Bear Lake Community Health Center, Inc. dba Cache Valley Community Health Center.....	3
FIRE – Consideration of an Equipment Lease Purchase with Zion's Bank – 5 Fire Tender Trucks.....	6
GATEWAY TRAIL RIBBON CUTTING – June 1, 2013.....	7
GRAVEL PIT – Proposal to sell 0.29 acres of a gravel pit hillside located in Nibley to adjacent property owner.....	6
GREENBELT APPEALS – Hearing Officers' Recommendations.....	3
IHC – Logan Regional Hospital-Findings of Fact.....	3
LEGACY MOUNTAIN ESTATES 3 RD AMENDMENT – Public Hearing (<i>PII not held-application withdrawn</i>)	4
MEDUSAHEAD WEED.....	2
NELSON, JUSTIN – Appointment-Cache County Deputy Sheriff	1
ORDINANCE NO. 2013-09 – Amending the Cache County Code, Chapter 3.60, Real Property Tax Settlements and Deferrals (<i>NO ACTION TAKEN</i>).....	1
PARKING ENFORCEMENT	2
PAY FOR STAY – Proposed Change	2
PUBLIC HEARING – May 14, 2013-5:30 p.m.-Legacy Mountain estates 3 rd Amendment (<i>Application withdrawn</i>).....	4
PUBLIC HEARING SET – May 28, 2013-5:30 p.m.-Daugs Minor Subdivision Rezone.....	4
PUBLIC HEARING SET – May 28, 2013-5:45 p.m.-Cache Humane Society.....	4
PUBLIC HEARING SET – May 28, 2013-6:00 p.m.-Open 2013 Budget.....	4
RAPZ/RESTAURANT TAX COMMITTEE – Approve Recommendations of.....	4
RESTAURANT/RAPZ TAX COMMITTEE – Approve Recommendations of.....	4
REZONE – Public Hearing Set-May 28, 2013-5:30 p.m.-Daugs Minor Subdivision Rezone.....	4
REZONE – Public Hearing Set-May 28, 2013-5:45 p.m.-Cache Humane Society Rezone	4
ROAD FUNDING.....	2
SUNSHINE TERRACE FOUNDATION – Findings of Fact	3
SURVEYOR – County	2
TAX DEFERRAL REQUESTS.....	5
TAX SALE REPORT.....	2
USACCC CONFERENCE – June 21, 2013 at the Davis Conference Center – 2013 Summer.....	7
VEHICLE EMISSIONS – Approval of Bear River Health Department Regulation No. 2013-01 – Vehicle Emissions Inspection & Maintenance Program.....	5
WATER MASTER PLAN WORKSHOP	2

CACHE COUNTY COUNCIL MEETING
May 14, 2013

The Cache County Council convened in a regular session on May 14, 2013 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Val Potter
Vice Chairman: H. Craig Petersen
Council Members: Craig "W" Buttars, Kathy Robison, Jon White, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: James Swink

The following individuals were also in attendance: Jon Alfred, Janeen Allen, Lieutenant Matt Bilodeau, Denise Ciebien, Mike Clark, Sharon L. Hoth, Assessor Kathleen Howell, Todd Jenkins, Dave Nielsen, Director Josh Runhaar, Auditor Tamra Stones, Kelsey Keller Weller **Media:** Charles Geraci (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Zilles gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

Chairman Potter asked that Item 12e, *Approval of Proposed Pay for Stay Changes*, be moved to a position on the agenda just before Item 10a, *Board of Equalization*. Potter also reviewed the changes on the two amended agendas received by Council members.

ACTION: Motion by Council member Yeates to approve the amended agenda with proposed change of order of Item 12. White seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the April 23, 2013 Council Meeting as written. Robison seconded the motion. The vote was unanimous, 6-0. Buttars absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS:

Joshua Raymond D'Addabbo	Cache County Deputy Sheriff
Annette Baugh	Cache County Deputy Sheriff
Justin Nelson	Cache County Deputy Sheriff

ACTION: Motion by Council member Zilles to approved the recommended appointments. Yeates seconded the motion. The vote was unanimous, 6-0. Buttars absent.

WARRANTS: There were no warrants.

OTHER ITEMS:

Council member Buttars arrived at the meeting.

- Tax Sale Report** – Auditor Tamra Stones said several parcels will be advertised in the tax sale and reviewed the details for the Council.
- Water Master Plan Workshop** – Executive Lemon asked the Council to schedule a workshop prior to the May 28, 2013 Council meeting at 4:00 p.m. to examine the Water Master Plan recommendations.
- Parking Enforcement** – Lemon told the Council he is considering negotiating an agreement with Logan City to enforce the two-hour parking area in the west parking lot.
- Medusahead Weed** - Lemon gave Council members copies of a study done by a student at Utah State University on Medusahead.
- Capital Budget** – Executive Lemon said the capital budget will be included in the budget opening at the next Council meeting.
- Surveyor's Office** - Executive Lemon said he is forming groups to discuss whether to continue with an in-house surveyor or contract out for surveying work. Surveyor Ward will retire in September. Council member White wants to participate in the discussion.
- Road Funding** – Executive Lemon is also forming a group to study road funding issues. Council member Yeates and Chairman Potter want to be part of those discussions.

UNIT OR COMMITTEE REPORTS

- ★ **Assessor's Office – Kathleen Howell** informed the Council of the history of the CCI (Colorado Customware, Inc.) software issue. All counties are under a state mandate to have a CAMA (Computer Assisted Mass Appraisal) system by next year. Some counties are using CCI software, some are not. There are problems that need to be worked out with the CCI software. MCAT (Multi-County Appraisal Trust) has retained an attorney who sent a letter to CCI stating they are guilty of a breach of contract. Howell does not want to try to implement CCI software before these legal matters and software problems are worked out.

INITIAL PROPOSAL FOR CONSIDERATION

- **Approval of Proposed Pay for Stay Changes** – Lieutenant Matt Bilodeau reported that the current \$45.00/day Pay for Stay charges are not yielding good collection results. Some simply “walk away” from the payment responsibility and others try to pay but are under extreme economic hardship. Bilodeau proposes offering those who are trying to pay an 80% reduction in charges as long as they continue to make regular payments. Those who do not make regular payments will be charged the full rate and collection will be through a collection agency.

The current company that runs the Pay for Stay program, Connex Information Systems, Inc. (an electronic receipting system and software), and local judges are in favor of the changes.

Clerk Zollinger said any fee changes should be done by resolution.

Vice Chairman Petersen questioned Bilodeau's projected percent of increase in collections and asked for additional information as well as information on what collection procedures other counties use. Bilodeau will contact Petersen with the requested information.

Council member Zilles suggested a sunset date for the proposal with a review and evaluation after one year.

Bilodeau will return with the proposal in resolution form at a future Council meeting.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. White seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Approve Recommendations of Hearing Officers – Greenbelt Appeals – Executive Lemon recommended approval.**

ACTION: Motion by Vice Chairman Petersen to approve the Hearing Officers' Recommendations on greenbelt appeals. White seconded the motion. The vote was unanimous, 7-0.

- **Findings of Fact Reports – IHC – Logan Regional Hospital, Sunshine Terrace Foundation, Bear Lake Community Health Center, Inc. dba Cache Valley Community Health Center – Council members who attended meetings with the entities approved the findings of fact.**

ACTION: Motion by Council member Yeates to approve the committees' findings of fact for IHC-Logan Regional Hospital, Sunshine Terrace Foundation and Bear Lake Community Health Center, Inc. dba Cache Valley Community Health Center. White seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Yeates to adjourn from the Board of Equalization. Robison seconded the motion. The vote was unanimous, 7-0.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION

PUBLIC HEARING SET: MAY 28, 2013 – 5:30 P.M. – DAUGS MINOR SUBDIVISION REZONE – Nathan Daugs requesting approval for a rezone of the Daugs Minor Subdivision from the Agricultural (A-10) Zone to the Rural 2 (RU-2) Zone located on 12.82 acres at approximately 1800 South 2400 West, Young Ward.

ACTION: Motion by Council member Yeates to set a Public Hearing – May 28, 2013 at 5:30 p.m. – Daugs Minor Subdivision Rezone. Buttars seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: MAY 28, 2013 – 5:45 P.M. – CACHE HUMANE SOCIETY REZONE – Roland Bringham requesting approval for the rezone of 1.42 acres from the Agricultural (A-10) Zone to the Commercial (C) Zone located approximately 2370 West 200 North, west of Logan City.

ACTION: Motion by Council member Buttars to set a Public Hearing – May 28, 2013 at 5:45 p.m. – Cache Humane Society Rezone. Yeates seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING SET: MAY 28, 2013 – 6:00 P.M. – OPEN 2013 BUDGET

ACTION: Motion by Council member Robison to set a Public Hearing – May 28, 2013 at 6:00 p.m. – Open 2013 Budget. Buttars seconded the motion. The vote was unanimous, 7-0.

PUBLIC HEARING: MAY 14, 2013 – 5:30 P.M. – LEGACY MOUNTAIN ESTATES 3RD AMENDMENT – No Hearing was held because the application was withdrawn.

PENDING ACTION

- Approve Recommendations of Restaurant/RAPZ Tax Committee** – Chairman Potter asked if the Council had any questions concerning the recommended allocations.

Council member Robison asked why the request for the Cache County Fair and Rodeo was not fully funded.

Chairman Potter had questions about the education outreach funding for the Center for the Arts. Vice Chairman Petersen explained how the money is used for education.

Chairman Potter said Hyde Park City contacted him and asked that the Hyde Park City allocation be increased by \$7,000.00 so the park project can be completed. Council members said that many other cities didn't receive full funding either.

Russ Akina, Logan City, asked for the Council to reconsider funding for the July 4th Freedom Fire program. Vice Chairman Petersen responded the committee was critical of the high prices for the stadium show and Logan City did not prioritize this request very high. Akina said prioritizing is always difficult. Council members White and Buttars agreed that the fireworks and program are a great service to all Cache County citizens.

Executive Lemon remarked that the Whittier Center's request and the Wellsville Foundation's request were not considered because it was thought they didn't qualify. Cameron Jensen has checked on them and they do qualify so they should be considered.

(Attachment 1)

ACTION: Motion by Council member White to allocate \$20,000.00 to Logan City for the Freedom Fire Independence Day Celebration. Buttars seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Council member Zilles to allocate \$10,000.00 to the Wellsville Foundation, \$9,270.00 to the Whittier Community Center and another \$1,000.00 to the Cache County Fair and Rodeo. White seconded the motion. The vote was unanimous, 7-0.

ACTION: Motion by Vice Chairman Petersen to approve the amended Recommendations of 2013 Restaurant Tax/RAPZ Tax Committee. Zilles seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION

- **Ordinance No. 2013-09 – Amending the Cache County Code, Chapter 3.60, Real Property Tax Settlements and Deferrals** – Executive Lemon stated this was discussed at the April 23, 2013 Council meeting and authorizes the County Treasurer or County Auditor with the approval of the County Executive to waive penalties and fees up to \$100.00 on property tax. Vice Chairman Petersen suggested authorization of up to \$200.00 or \$300.00.

Executive Lemon will bring requested information on how often this might occur to a future Council meeting.

- **Tax Deferral Requests** – Executive Lemon explained the circumstances of the applicants and recommended approval. *(Details are on file in the Cache County Auditor's office.)*

ACTION: Motion by Council member Yeates to approve the tax deferral requests. Buttars seconded the motion. The vote was unanimous, 7-0.

- **Approval of Bear River Health Department Regulation No. 2013-01 – Vehicle Emissions Inspection & Maintenance Program** – Executive Lemon stated a public hearing was held by the Board of Health on May 7, 2013. Most people were shop owners and those interested in being part of the inspection program. There were a couple of statements that the recommended fee is not enough. The Board discussed the input and unanimously approved the regulation before the Council.

Chairman Potter asked how the county can be assured there will be shops willing to take on the vehicle emissions inspections. Lloyd Berentzen, Bear River Health Department, said there are 11 eligible shops and he believes about 60% will take on the emissions testing. Berentzen said there is some concern about where the inspection ends and the diagnostic portion begins on vehicles.

Vice Chairman Petersen asked if everything the county asked for is in this regulation. Berentzen said yes and there are about five or six recommendations, mostly language changes, that the EPA recommended as well.

Petersen asked who was involved outside of the county. Utah, Salt Lake, Davis and Weber Counties were included and some Idaho areas were also polled for suggestions.

Council member Robison asked for clarification on the fee waiver procedure. Berentzen said if somebody finds a sensor light on and is willing to spend up to \$200.00 to correct it, they should hang on to the receipt and bring it in as part of

their registration and they will be allowed to drive the vehicle for two more years.
Sensors are the most common problem and they are about \$100.00 each to repair.

(Attachment 2)

ACTION: Motion by Council member White to approve Bear River Health Department Regulation No. 2013-01 – A Regulation of the Bear River Health Department for a Vehicle Emissions Inspection and Maintenance Program. Petersen seconded the motion. The motion passed, 5 aye – Petersen, Potter, Robison, White & Zilles and 2 nay – Buttars & Yeates.

- **Proposal to sell 0.29 acres of a gravel pit hillside located in Nibley to adjacent property owner** – Executive Lemon reported a resident owns two parcels of raw land valued at \$171,000.00 and wants to purchase the .29 acres of hillside property at the gravel pit from the county to obtain the acreage needed to qualify for greenbelt status. Lemon commented the gravel pit has been excavated out and the sale of the .29 acres would be for market value – about \$2000.00. Lemon and the applicant met with Assessor Howell and she is agreeable to the request.

Council member White expressed opposition to the proposal.

Vice Chairman Petersen asked if it is the county's business to help qualify someone for greenbelt.

Council member Buttars asked if the pit is mined out, what is the county going to do with it. Buttars suggested the applicant come to the May 28, 2013 Council meeting to present his reasons for the request.

Executive Lemon will invite the applicant to the May 28, 2013 Council meeting.

- **Consideration of an Equipment Lease Purchase with Zion's Bank – 5 Fire Tender Trucks** – Executive Lemon said this is already in the budget, but they want the Council's approval. There will be a resolution on this issue at the next meeting and Lemon asked the Council if they want to consider it now or wait for the resolution. The Fire Board is well aware of this. The Council will wait for the resolution before discussing.

OTHER BUSINESS

- ✓ **2013 Summer USACCC Conference – June 21, 2013 at the Davis Conference Center** – Executive Lemon said this is a one-day workshop conference.
- ✓ **Canal Restoration Project Ribbon Cutting – Media Day** – Chairman Potter said this is Wednesday, May 29, 2013 at 10:00 a.m. beginning at the Historic Courthouse and busing to the site. Chairman Potter will be meeting with Senator Bennett and he should be invited to the ribbon cutting.
- ✓ **Gateway Trail Ribbon Cutting – June 1, 2013** – Director Josh Runhaar said the trail is open and done and invited the Council to the Gateway Trail Ribbon Cutting by meeting at the Ray B. Hugie Park to go to the trail for the actual ribbon

cutting. Chairman Potter asked that the media be notified of this and the canal ribbon cutting.

COUNCIL MEMBER REPORTS

Val Potter reported that insurance was discussed at the Compensation Committee meeting and options are being investigated. Compensation for elected officials will also be looked into.

Gordon Zilles said that a Petersboro resident reported a washed out intersection at 0000 and 6800 West. The road department will check on it.

Craig "W" Buttars received an email noting that NACO (National Association of Counties) steering committee applications are available. NACO deals with all matters pertaining to federal transportation legislation, funding and regulation and its impacts on county government.

Chairman Potter said the Council Summer Social will be an item on the next agenda.

ADJOURNMENT

The Council meeting adjourned at 7:08 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Val Potter
Chairman

CACHE COUNTY

2013 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
1	Amalga Township	Building with Kitchen Facilities and Storage	12,000	10,000
2	American Festival Chorus and Orchestra	American Festival Chorus 2013-2014 Performance Costs	30,000	30,000
3	American West Heritage Center	2013 Physical Plant Maintenance & Capital Expenses	44,637	20,000
4	American West Heritage Center	2013 Programming Operational Support	92,500	70,000
5	Bridger Folk Music Society	Bridger Folk Music Society Concert & Dance Production Support	3,600	2,500
6	Cache Children's Choir	Support of Cache Children's Choir 2013-2014 Season	15,000	11,000
7	Cache Community Connections	Logan Tabernacle Concert and Lecture Series	6,000	6,000
8	Cache County - Fair and Rodeo	Advertising and Promoting the Cache County Fair and Rodeo	17,500	11,000 12,500
9	Cache County - Fairgrounds	South End Improvements	129,526	130,000
10	Cache County - Fairgrounds	Exhibit Barn Concrete Floor	43,800	0
11	Cache Valley Amateur Hockey Association	CVAHA Promotion	8,500	0
12	Cache Valley Center for the Arts	Ellen Eccles Theatre Facility Improvement	90,000	70,000
13	Cache Valley Center for the Arts	Arts Education and Outreach Programming	35,000	33,000
14	Cache Valley Center for the Arts	Marketing Ellen Eccles Theatre Touring Productions 2013-2014	15,000	13,500
15	Cache Valley Arts Summit	Cache Valley Arts at a Glance	5,000	5,000
16	Cache Valley Civic Ballet	Cache Valley Civic Ballet - Excellence in Performance and Educatio	25,000	9,000
17	Cache Valley Cowboy Rendezvous, Inc.	Cache Valley Cowboy Rendezvous	16,000	4,500
18	Cache Valley Cruising Association	Cache Valley Cruise-In 2013	41,000	25,000
19	Cache Valley Gardeners' Market	Marketing Campaign for Cache Valley Gardener's Market	5,235	0
20	Cache Valley Historical Society	2013 Historic Home Tour	750	0
21	Cache County - Cache Valley Visitors Bureau	2013 Cache Valley Visitors Bureau Marketing Campaign	99,830	100,000
22	Celebrate America Show	Celebrate America Show - In the Miller Mood	61,996	15,000

CACHE COUNTY

2013 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
23	Chamber Music Society of Logan	Enhancing Chamber Music in Cache Valley	5,500	5,000
24	City of Logan Parks and Recreation	Canyon Road Canal Trail Slide Area Construction and Installation	100,000	100,000
25	City of Logan Parks and Recreation	Lundstrom Park Trail	70,000	70,000
26	City of Logan Parks and Recreation	Phase Two: Dog Park / Emergency Site	40,000	40,000
27	City of Logan Parks and Recreation	2013 Freedom Fire Independence Day Celebration at USU	20,000	20,000.00
28	City of Logan Parks and Recreation	Logan Aquatic Center Leisure Pool Boiler System Replacement	60,000	60,000
29	City of Logan Parks and Recreation	Upper Second Dam Park Parking Lot	82,000	30,000
30	City of Logan Parks and Recreation	1000 West Trailhead Parking Lot and Public Access Lane	36,050	0
31	City of Logan Parks and Recreation	Denzil Stewart Nature Park Restroom	68,907	0
32	City of Logan Parks and Recreation	Willow Park Softball Complex Infield Replacement	22,300	0
33	City of Logan Parks and Recreation	Merlin Olsen Park Renovation	100,000	0
34	Clarkston Town	Community Center	30,662	20,000
35	Clarkston Town	Park and Playground Wood Fiber Renovation	3,283	0
36	Common Ground Outdoor Adventures	Tourism Promotion / Marketing for Cache Valley Century Ride	3,000	1,500
37	Cornish Town	Cornish Park Improvements - Parking Lot, Fence, and Picnic Table	84,713	30,000
38	Cub River Sports Complex - Owned and Operated	Playground Area	75,000	75,000
39	Four Seasons Theatre Company	Four Seasons Theater Company 2013 Season	68,600	0
40	High Desert Disc Golf Alliance (HDDGA)	Disc Golf Equipment	9,107	0
41	Hyde Park City	Lions Park Southeast Pavilion and Central Area Play Structure	50,000	40,000
42	Hyrum City	Blacksmith Park Phase I	125,000	65,000
43	Imperial Glee Club	Project Centennial	8,000	0
44	Lewiston City	Lewiston City Park Picnic Pavilion	30,000	0

CACHE COUNTY

2013 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
45	Logan Community Foundation dba Top of Uta	Winnie The Pooh Kids and Summer Musical	39,500	20,000
46	Logan Downtown Alliance	Logan Film Festival	2,000	1,000
47	Millville City	Park Splash Pad	60,000	40,000
48	Music Theatre West	Broadway Musicals and Youth Performance Workshop	55,000	36,000
49	Newton Town	Newton War Memorial	3,000	0
50	Nibley Children's Theatre	2013 Season: The Odyssey	500	500
51	Nibley City	Heritage Park - 2350 South 800 West	210,000	40,000
52	Nordic United	Promotion of Local Winter Tourism Involving Groomed Trails and	14,000	3,000
53	North Logan Parks and Recreation Departmen	Elk Ridge Park Improvements	75,500	70,000
54	George S. Eccles Ice Center	Energy Savings Measures	39,650	39,000
55	George S. Eccles Ice Center	Original 15-year Commitment to BCIA (Maintenance)	92,853	92,853
56	Old Lyric Repertory Company	Old Lyric Repertory Company 2013	22,000	15,000
57	Paradise Town	Paradise Park Sports Complex and Equestrian Center	80,000	40,000
58	Richmond City	Richmond City Park Pavilion	28,000	0
59	Smithfield City Parks and Recreation Departm	Richard Hansen Baseball Field Lighting	175,000	90,000
60	Starhouse Discovery Center	The Starhouse Discovery Center	770	0
61	Stokes Nature Center	SNC School, Community and Summer Citizens Programs	30,000	23,000
62	Summerfest Arts Faire	Summerfest Arts Faire	20,000	16,000
63	Unicorn Theatre	Unicorn Theatre	8,000	5,000
64	Utah Festival Opera	2013 Summer Festival and Education Programs	170,000	140,000
65	Utah Festival Opera	2013 Tourism - Marketing Outside Cache Valley	100,000	80,000
66	Utah Public Radio	Utah Public Radio: Promoting Cache Valley Statewide	30,000	0

CACHE COUNTY

2013 RESTAURANT AND RAPZ TAX AWARDS

No.	Entity	Title	Request	Award
67	Utah State University	Utah State University Summer Citizens Program	47,500	30,000
68	Valley Dance Ensemble	Valley Dance Ensemble Spring 2014 Concert	3,000	2,000
69	Wellsville Foundation	Wellsville Civic Center & Cultural Hall Structural Upgrade	25,000	10,000.00
70	Whittier Community Center	Operating Expenses	9,270	9,270.00
71	Willow Park Zoo	Perimeter Fence between Cache County Fairgrounds and Willow	7,806	7,800
72	Willow Park Zoo	Willow Park Zoo Operations Budget	125,500	112,861
73	Youth Discovery Inc	Latinos in Action Classes at Logan High and Sky View High Schools	49,350	0
GRAND TOTALS			\$3,413,195	\$2,006,014

BEAR RIVER HEALTH DEPARTMENT

REGULATION NO. 2013-1

A REGULATION OF THE BEAR RIVER HEALTH DEPARTMENT FOR A VEHICLE
EMISSIONS INSPECTION AND MAINTENANCE PROGRAM

Adopted by the Bear River Board of Health

May 9, 2013

Table of Contents

Sections	Page
1.0 Definitions	3
2.0 Purpose	7
3.0 Authority and Jurisdiction of the Department	7
4.0 Powers and Duties	7
5.0 Scope	10
6.0 General Provisions	10
7.0 Permit Requirements of the I/M Program Stations	14
8.0 Training and Certification of Inspectors	15
9.0 Inspection Procedure	18
10.0 Engine Switching	22
11.0 Specifications for Certified Testing Equipment and Calibration Gases	22
12.0 Quality Assurance	23
13.0 Cutpoint Standards for Motor Vehicle Exhaust Gases	24
14.0 Disciplinary Penalties and Right to Appeal	24
15.0 Penalty	25
16.0 Severability	26
17.0 Effective Date	26
Appendix A Fee Schedule	
Appendix B Emission Cutpoints	
Appendix C Penalty Schedule	
Appendix D Test Procedures	
Appendix E Technical Specifications and Calibration Gas	

1.0 DEFINITIONS

For the purpose of this Regulation, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

Air Intake Systems: Systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;

AIR System: (Air Injection Reaction) A system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction;

Analyzer: See Exhaust Emissions Gas Analyzer;

Board: See Board of Health;

Board of Health: The Bear River Board of Health;

Cache County Council: The elected Cache County Council representatives;

Calibration: The process of establishing or verifying the accuracy of an Exhaust Emissions Gas Analyzer to perform a consistent evaluation of engine exhaust by using different calibration gases having precisely known concentrations;

Calibration Gases: Gases of accurately known concentration that are used as references for establishing or verifying the calibration curve and accuracy of an Exhaust Emissions Gas Analyzer and are approved by the Department for use.

Catalytic Converter: A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;

Certificate of Compliance: A document used in the I/M Program to certify that a vehicle meets all applicable requirements of the program;

Certificate of Waiver: A document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Rules and Regulations even though specific emission standards have not been met;

Certification: Assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is in fact true and meets all required requirements;

Certified Emissions Inspector: A person who has successfully completed all certification requirements and has been issued a current, valid Certified Emissions Inspector Certification by the Department;

Certified Testing Equipment: An official test instrument that has been approved by the Department to test motor vehicles for compliance with this Regulation; this includes the Analyzer as well as the OBD testing portion of the machine;

CO: Carbon monoxide;

Compliance: Verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meets all required accreditation requirements;

Council: See Cache County Council;

County: Cache County, Utah;

Custom Vehicle: A motor vehicle that meets the requirements of Section 41-6a-1507, Utah Code Annotated, 1953 as amended;

Cutpoints: The maximum allowable concentration of carbon monoxide (CO) and hydrocarbons (HC) for a given weight class and model year of a motor vehicle, as provided by this Regulation, using an approved infrared Exhaust Emissions Gas Analyzer;

Department: The Bear River Health Department;

Director: The Director of the Bear River Health Department or his authorized representative;

DLC: Data Link Connector used in OBD applications is a 16 pin connector used by scan tools and other emission diagnostic equipment to communicate with the vehicle's computer for the purpose of collecting emissions related data;

DTC: Diagnostic Trouble Code is a standardized 5 digit code that is used to identify a specific fault that has occurred or is occurring in a vehicle;

EGR System: The Exhaust Gas Recirculation System – An emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers;

Emissions Control Systems: Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions;

Exhaust Emissions Gas Analyzer: An instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a

motor vehicle which is approved by the Department for this use in accordance with this Regulation as an official test instrument;

Evaporative Control System: An emissions control system that prevents the escape of fuel vapors from the fuel tank or air cleaner and stores them in a charcoal canister to be burned in the combustion chamber;

Gas Calibration Check: A procedure using known concentrations of HC and CO calibration gases to verify the accuracy of an Analyzer in measuring HC and CO;

HC: Hydrocarbons;

Idle: A condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition must be achieved without placing a load on the vehicle to decrease the RPM to the specified rate;

I/M Program: See Vehicle Emissions Inspection and Maintenance Program;

I/M Program Station: A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Department, to operate as an emissions inspection and maintenance station in the I/M Program;

Inspection: An official vehicle emissions test performed for the purpose of issuing a Certificate of Compliance or Certificate of Waiver;

Inspector: A Certified Emissions Inspector;

MIL: Malfunction Indicator Light is an indicator located on the instrument panel that notifies the operator of an emissions fault;

Motor Vehicle: A self-propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of this Regulation are listed in Section 6.4 of this Regulation;

Non-certified Inspector: Any person who has not been certified by the Department to perform official emissions tests;

OBD: On Board Diagnostic refers to a vehicle's monitoring and diagnostic capabilities of its emissions systems;

PCV System: Positive Crankcase Ventilation System – an emissions control system which returns crankcase vapors and blowby gases to the combustion chamber to be burned;

Primary Residence: Is the place where an individual intends to permanently reside, maintains a permanent residence more than six (6) months during a calendar year, or where an individual lives more than six (6) months during a calendar year;

Publicly-owned Vehicles: A motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

Readiness: Readiness is used to identify the state of a vehicle's emissions monitors as they are tested. Readiness does not indicate whether the monitors passed or failed the test, it only indicates whether or not the test has been run for any particular monitor;

Station: An I/M Program Station;

Technical Bulletin: A document, issued to Certified Emissions Inspectors and/or I/M Program Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the I/M Program;

Training Program: A formal program administered, conducted, or approved by the Department for the education of emission inspectors in basic emission control technology, inspection procedures, diagnosis and repair of emissions related problems, I/M Program policies, procedures, and this Regulation;

Two-Speed Idle: A condition where the vehicle engine is warm and running at a high speed rate of 2200-2800 RPMs and then a low rate of 350-1200 RPMs;

Vehicle Emissions Inspection and Maintenance Program: The program established by the Department pursuant to Section 41-6a-1642 Utah Code Annotated, 1953, as amended, and Cache County Ordinance 2013-04;

Vintage Vehicle: A motor vehicle that meets the requirements of Section 41-21-1 Utah Code Annotated, 1953 as amended;

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Cache County by requiring inspections of in-use motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- 2.1 Protect and promote the public health, safety, and welfare;
- 2.2 Improve air quality;
- 2.3 Meet or exceed the minimum design and performance requirements for I/M Programs as defined in 40 CFR Part 51, Subpart S.
- 2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1642 Utah Code Annotated, 1953, as amended.
- 2.5 Comply with Cache County Ordinance 2013-04.

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Section 2.3 of Cache County Ordinance 2013-04, the Cache County Council delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River Board of Health (hereafter Board), to address all issues pertaining to the adoption and administration of the Vehicle Emissions Inspection and Maintenance Program (hereafter I/M Program).

3.2 Under Section 2.4 of Cache County Ordinance 2013-04, the Council directs the Board to adopt and promulgate rules to ensure compliance with State Implementation Plan requirements with respect to an I/M Program.

3.3 The Board is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953, as amended.

3.4 The Board is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(i) of the Utah Code Annotated, 1953, as amended.

3.5 All aspects of the I/M Program within Cache County enumerated in Section 2.0 of this Regulation shall be subject to the direction and control of the Bear River Health Department (hereafter Department).

4.0 POWERS AND DUTIES

4.1 The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Make policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished;

4.1.2 Require the submission of information, reports, plans, and specifications from I/M Program Stations as necessary to implement the provisions, requirements, and standards of this Regulation;

4.1.3 Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements, and standards of this Regulation; and

4.1.4 Perform audits of any I/M Program Station, issue orders and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of this Regulation.

4.2 The Department may suspend, revoke, or deny a permit, subject to the Penalty Schedule in Appendix C, of an I/M Program Station and/or require the surrender of the permit of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate of Compliance by the station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Regulation;

4.2.2 A vehicle was inspected and rejected by the I/M Program Station when, in fact, the vehicle was determined by the Department to be in such condition that it did comply with the requirements of this Regulation;

4.2.3 The I/M Program Station is not open and available to perform inspections during a major portion of the normal business hours of 8:00 AM to 5:00 PM Mondays through Fridays (except I/M Program Stations which only test their own vehicles);

4.2.4 The I/M Program Station has violated any provisions of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.5 The I/M Program Station was not equipped as required by Section 7.0 of this Regulation;

4.2.6 The I/M Program Station is not operating from a location specified on the permit;

4.2.7 An official inspection was done by a non-certified inspector or a non-certified inspector has gained access to the official testing portion of the test equipment or a non-certified inspector signed a Certificate of Compliance;

4.2.8 The computerized test equipment has been tampered with or altered in any way contrary to the certification and maintenance requirements of the test equipment;

4.2.9 The I/M Program Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.10 An engine change verification form was completed and signed when, in fact, the engine block number was not verified by a Certified Emissions Inspector or other authorized personnel approved by the Department;

4.2.11 The I/M fee signage procedures are not followed as specified in Section 6.6; or

4.2.12 The I/M fee has been determined by the Department to be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle make or model, owner residence, etc.

4.3 The Department may suspend, revoke, or deny the certificate of a Certified Emissions Inspector, subject to the Penalty Schedule in Appendix C, and require the surrender of this certificate upon showing that:

4.3.1 The Certified Emissions Inspector caused a Certificate of Compliance to be issued without an approved inspection being made;

4.3.2 The Certified Emissions Inspector denied the issuance of a Certificate of Compliance to a vehicle that, at the time of inspection, complied with the law for issuance of said certificate;

4.3.3 The Certified Emissions Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such a condition that it did not comply with this Regulation;

4.3.4 Inspections were performed by the Certified Emissions Inspector, but not in accordance with applicable policies, procedures, Technical Bulletins, and this Regulation;

4.3.5 The Certified Emissions Inspector allowed a non-certified inspector to perform an official I/M test or gain access to the official testing portion of the test equipment;

4.3.6 The Certified Emissions Inspector signed an inspection form or certificate stating that he had performed the emissions test when, in fact, he did not; or

4.3.7 The Certified Emissions Inspector completed and signed an engine change verification form when in fact the engine block number was not verified.

4.4 The Department shall respond, according to the policies and procedures of the Department, to public complaints regarding the fairness and integrity of the inspections they receive and shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate.

5.0 SCOPE

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, or regulation promulgated by the Department, unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exceptions in Section 6.4 and pursuant to the schedule in Section 6.1, individuals with their primary residence in Cache County must register their motor vehicles in Cache County and motor vehicles (of model years 1969 and newer) that are or will be registered in Cache County, or operated from a facility within Cache County shall be subject to an emission inspection performed by an I/M Program Station or other entity approved by the Director. Owners of vehicles that meet the requirements of Section 6.2 or 6.3 shall comply with the inspection requirements regardless of the county of registration.

6.1 Beginning January 1, 2014 motor vehicles are subject to a biennial emissions inspection. Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year

6.1.1 A Certificate of Compliance, Certificate of Waiver, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions precedent to registration or renewal of registration of a motor vehicle in odd-numbered years for a vehicle with an odd-numbered model year.

6.1.2 A Certificate of Compliance, Certificate of Waiver, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions precedent to registration or renewal of registration of a motor vehicle in even-numbered years for a vehicle with an even-numbered model year.

6.1.3 The Air Pollution Control Fee shall be paid annually, as per Section 4.5 of Cache County Ordinance 2013-04, (see also Section 6.7 of this Regulation) as conditions precedent to registration or renewal of registration of a motor vehicle.

6.1.4 A Certificate of Compliance shall be valid for a period of time in accordance with 41-1a-205 Utah Code Annotated, 1953, as amended.

6.2 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the inspection program requirements. Federally-owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the emissions testing requirements.

6.3 Vehicles of employees and/or students parked at a college or university that do not require registration in Cache County shall comply with the emissions testing requirements as authorized by 41-6a-1642(5)(a) Utah Code Annotated, 1953, as amended.

6.3.1 College or university parking areas that are metered or for which payment is required per use are not subject to the requirements in Section 6.3.

6.4 Vehicle Exemption. The following vehicles are exempt from these emissions testing requirements:

6.4.1 Any vehicle of model year 1968 or older;

6.4.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption as provided by 41-6a-1642(3) and 41-6a-1642(4) Utah Code Annotated, 1953, as amended;

6.4.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.4.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.4.5 Any vehicle that operates exclusively on electricity;

6.4.6 Any motor vehicle which qualifies for legislative exemptions;

6.4.7 Tactical military vehicles;

6.4.8 Any vintage vehicle as provided by 41-6a-1642(3) Utah Code Annotated, 1953, as amended;

6.4.9 Any custom vehicle as provided by 41-6a-1642(3) Utah Code Annotated, 1953, as amended;

6.4.10 Any vehicle that is less than six years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;

6.4.11 Any diesel powered vehicle 1997 and older. These vehicles will be subject to a smoking vehicle program established by the Board; and

6.4.12 Any diesel powered vehicle with a GVW greater than 14,000 lbs. These vehicles will be subject to a smoking vehicle program established by the Board.

6.5 It shall be the responsibility of the Certified Emissions Inspector if a vehicle exempted from this Regulation by Section 6.4 of this Regulation is brought to the Certified Emissions Inspector for an official emission test to inform the owner/operator of the vehicle that the vehicle is not required to have an official emission inspection for vehicle registration purposes.

6.6 Official Signs.

6.6.1 All I/M Program Stations, except those stations authorized to inspect only their own motor vehicles as a fleet inspection station, shall display in a conspicuous location on the premises an official sign provided and approved by the Department;

6.6.2 The emission cutpoints, as referenced in Appendix B shall be posted in a conspicuous place on the station's premises;

6.6.3 The readiness requirements for an OBD test as referenced in Appendix D shall be posted in a conspicuous place on the station's premises;

6.6.4 The station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection;

6.6.5 The free re-inspection policy as referenced in Section 9.6 shall be posted in a conspicuous place on the station's premises;

6.6.6 The signs required by Sections 6.6.1 through 6.6.5 shall be located so as to be easily in the public view.

6.7 Fees.

6.7.1 The fees assessed upon I/M Program Stations and Certified Emissions Inspectors shall be determined according to a fee schedule adopted by the Board. The fee schedule is referenced in Appendix A to this Regulation and may be amended by the Board as necessary.

6.7.2 An Air Pollution Control Fee is hereby assessed upon every motor vehicle registered in Cache County as per Section 4.5 of Cache County Ordinance 2013-04. The fee will be assessed annually at the time of registration of the vehicle.

6.7.2.1 This fee assessment is included upon all motorized vehicles including those that are exempted from the inspection requirements of this Regulation by Section 6.4 unless a separate fee is assessed on other motor vehicles by other Board of Health Regulations.

6.7.2.2 A motor vehicle that is exempt from the registration fee, and a commercial vehicle with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953, as amended and Section 4.5.2 of Cache County Ordinance 2013-04.

6.7.3 I/M Program Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board and referenced in Appendix A of this Regulation.

6.7.3.1 The inspection fee pays for a complete inspection leading to a Certificate of Compliance or a failure. If a vehicle fails the inspection, the owner/operator is entitled to one free re-inspection if he returns to the I/M Program Station that performed the original inspection within fifteen (15) calendar days from the date of the initial inspection. The I/M Program Station shall extend the fifteen day free re-inspection to accommodate the vehicle owner/operator if the I/M Program Station is unable to schedule the retest of the vehicle within the fifteen day time period. The inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.7.3.2 At the request of the Department, an I/M Program Station shall extend the free retest time for vehicle owners/operators who are unable to complete repairs because of the unavailability of parts to make the necessary repairs.

6.7.4 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in section 207 of the Federal Clean Air Act, the Certified Emissions Inspector shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency (see 40 CFR Part 85, Subpart V).

7.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

7.1 Permit Required.

7.1.1 No person shall in any way represent any place as an official I/M Program Station unless the station is operated under a valid permit issued by the Department.

7.1.2 The Department is authorized to issue or deny permits for I/M Program Stations.

7.1.3 No permit for any official I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific I/M Program Station.

7.1.4 The permit shall be posted in a conspicuous place within public view on the premises.

7.1.5 Application for an I/M Program Station permit shall be made to the Department upon a form provided by the Department. No permit shall be issued unless the Department finds that the facilities, tools, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 8.0, are employed and will be available to make inspections, and the operation thereof will be properly conducted in accordance with this Regulation.

7.1.5.1 An I/M Program Station shall notify the Department and cease any emission testing if the station does not have a Certified Emissions Inspector employed;

7.1.5.2 An I/M Program Station shall notify the Department upon termination and/or resignation of any Certified Emissions Inspector employed by the station;

7.1.5.3 An I/M Program Station shall comply with all the terms stated in the permit application and all the requirements of this Regulation;

7.1.5.4 As a condition for permitting test and repair I/M Program Stations, the station will keep and maintain all necessary tools and resources needed to effectively repair vehicles that fail an emissions test;

- 7.1.5.5 As a condition for permitting test only I/M Program Stations, the station will notify the vehicle owner/operator that the facility is a test only facility and will not provide repairs, prior to any official emissions test;
- 7.1.5.6 An I/M Program Station shall have a building with a suitable exhaust extraction system; and
- 7.1.5.7 An I/M Program Station shall provide a dedicated internet connection for the Certified Testing Equipment.

7.2 Permit Duration and Renewal

7.2.1 The permit for I/M Program Stations shall be issued annually and shall expire on the last day of the month, one year from the month of issue. The permit shall be renewable sixty days prior to the date of expiration.

7.2.2 It is the responsibility of the owner/operator of the I/M Program Station to pursue the permit renewal through appropriate channels.

7.3 I/M Program Station to hold Department Harmless

7.3.1 In making application for a permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of I/M Program Station's owners or their employees.

7.4 An I/M Program Station shall be kept in good repair and in a safe condition for inspection purposes free of obstructions and hazards.

8.0 TRAINING AND CERTIFICATION OF INSPECTORS

8.1 Certified Emissions Inspector Certification Required.

8.1.1 No person shall perform any part of the inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Inspector Certification issued by the Department.

8.1.2 Applications for a Certified Emissions Inspector Certification shall be made upon an application form prescribed by the Department. No certification shall be issued unless:

- 8.1.2.1 The applicant has shown adequate competence by successfully completing the written and practical portions

of the Certified Emissions Inspector Certification requirements as specified in this Regulation; and

8.1.2.2 The applicant has paid the required permit fees as set by the Board and referenced in Appendix A of this Regulation.

8.1.3 An applicant shall comply with all of the terms stated in the application and with all the requirements of this Regulation.

8.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of emission testing and use of the test equipment. Such knowledge and skill shall be shown by passing at minimum:

8.1.4.1 Operation and purposes of emission control systems;

8.1.4.2 Inspection procedures as outlined in this Regulation and prompted by the test equipment;

8.1.4.3 Operation of the Certified Testing Equipment including the performance of gas calibration and leak check;

8.1.4.4 The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act, and other federal warranties;

8.1.4.5 The provisions of this Regulation and other applicable Department policies and procedures; and

8.1.4.6 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration, and leak testing of the Certified Testing Equipment;

(c) Demonstration of ability to conduct the inspection; and

(d) Demonstration of ability to accurately enter data in the test equipment.

8.1.5 A signed hands-on performance check sheet shall be necessary for successful completion of the performance qualification test. The hands-on

performance check sheet shall be signed by an instructor or other equally qualified person approved by the Department.

8.1.6 The Department shall issue a Certified Emissions Inspector Certificate to an applicant upon successful completion of the requirements of this section.

8.1.7 The Certified Emissions Inspector Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

8.1.8 Certified Emissions Inspector Certifications shall not be transferred from one person to another person.

8.2 Recertification Requirements for Certified Emissions Inspectors

8.2.1 The Department may renew certifications for an existing Certified Emissions Inspector after a properly completed renewal form is submitted, reviewed, and approved, the recertification requirements have been completed, the fees are paid and the Certified Emissions Inspector has complied with this Regulation.

8.2.2 Certified Emissions Inspectors shall be required to recertify annually. Failure to recertify shall result in suspension or revocation of the Certification as described in this Regulation.

8.2.3 Certified Emissions Inspectors shall complete a Department approved refresher course every 2 years. Applicants for recertification shall complete a Department approved refresher course no more than sixty days prior to the date of expiration. Applicants shall demonstrate knowledge and skill in the performance of emission testing and use of the test equipment.

8.3 Certification Expiration

8.3.1 The Certified Emissions Inspector Certification shall be issued annually and shall expire on the last day of the month one year from the month of issue. The certification shall be renewable sixty days prior to the date of expiration.

8.3.2 It is the responsibility of the Certified Emissions Inspector to pursue the renewal of the Certification.

8.4 Certified Emissions Inspector Certification Suspension and Revocation

8.4.1 Certified Emissions Inspector Certifications may be suspended or revoked by the Department for violations of this Regulation.

8.4.2 Suspension or revocation of Certified Emissions Inspector Certifications shall follow the provisions of Appendix C of this Regulation.

9.0 INSPECTION PROCEDURE

9.1 The official emissions inspection shall be solely performed by a Certified Emissions Inspector at an I/M Program Station and Department approved inspection procedures are to be followed.

9.2 The Certified Emissions Inspector shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's registration with those on the vehicle and shall accurately record them on the inspection test equipment.

9.2.1 The Certified Emissions Inspector shall verify the owner's name and address and enter this information into the test equipment. The Certified Emissions Inspector shall determine and enter the county in which the vehicle is registered.

9.2.2 The Certified Emissions Inspector shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle emissions test on the approved test equipment.

9.3 A complete official test must be performed any time an inspection is requested. Do not perform any part of the inspection without initiating an official test on the test equipment.

9.4 The Certified Emissions Inspector shall perform the official vehicle emissions test using the proper testing procedure:

9.4.1 All gasoline, and natural gas powered light-duty (8,500 lbs or less) OBDII compliant vehicles, model year 1996 and newer shall be tested as specified in Appendix D, OBDII Test Procedures.

9.4.2 All gasoline and natural gas powered vehicles model year 1995 and older shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures.

9.4.3 All gasoline and natural gas powered vehicles model year 1996 to 2007 with a GVW greater than 8,500 lbs shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures.

9.4.4 All gasoline and natural gas powered vehicles model year 2008 and newer with a GVW greater than 8,500 lbs and GVW less than 14,000 lbs shall be tested as specified in Appendix D, OBDII Test Procedures.

9.4.5 All gasoline and natural gas powered vehicles model year 2008 and newer with a GVW greater than 14,000 lbs shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures.

9.4.6 All diesel powered vehicles model year 1998 and newer shall be tested as specified in Appendix D, Diesel Test Procedures.

9.5 Retesting Procedures

9.5.1 If the vehicle fails the initial emissions inspection, the owner/operator shall have fifteen calendar days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection. In order to be in compliance, the vehicle that failed the initial test shall meet the following conditions:

9.5.1.1 The vehicle is re-tested; and

9.5.1.2 The vehicle emissions levels are the same or less than the applicable cutpoint standards.

9.6 Certificate of Waiver

9.6.1 A Certificate of Waiver may be issued for 1969 to 1989 model year vehicles if all of the following requirements are met:

9.6.1.1 Air pollution control devices identified in the emission decal are in place and operable on the vehicle. If the decal is missing, at a minimum, the catalytic converter, PCV System, and AIR system are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Certificate of Waiver is granted; and

9.6.1.2 The vehicle continues to exceed applicable cutpoint standards after \$200.00 of acceptable emissions related repairs have been performed. Proof of repair costs shall be provided for the vehicle to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts are specifically identified. If repairs are made by someone with ASE L1, ASE A8, or another certification approved by the Department, the cost of labor may be included in the \$200.00

9.6.2 A Certificate of Waiver may be issued for 1990 through 1995 model year vehicles if all of the following requirements are met:

9.6.2.1 Air pollution control devices identified in the emission decal are in place and operable on the vehicle. If the decal is missing, at a minimum, the AIR System, catalytic converter, EGR System, Evaporative Control System, PCV System, and gas tank cap are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Certificate of Waiver is granted; and

9.6.2.2 The vehicle continues to exceed applicable cutpoint standards after \$200.00 of acceptable emissions related repairs have been performed. Proof of repair costs shall be provided for the vehicle to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts are specifically identified. If repairs are made by someone with ASE L1, ASE A8, or another certification approved by the Department, the cost of labor may be included in the \$200.00

9.6.3 A Certificate of Waiver may be issued for 1996 and newer model year vehicles if all of the following requirements are met:

9.6.3.1 Air pollution control devices identified in the emission decal are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Certificate of Waiver is granted; and

9.6.3.2 At least \$200.00 has been spent on acceptable emissions related repair costs for that specific vehicle, and if proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts are specifically identified. If repairs are made by someone with ASE L1, ASE A8, or another certification approved by the Department, the cost of labor may be included in the \$200.00

9.6.3.3 The vehicle is not within the time and mileage requirements of the federal emissions warranties. Any vehicle that is within time and mileage requirements of the federal emissions warranties shall not be eligible for an emissions repair waiver, but shall be repaired to pass the testing requirements.

9.6.4 As used in Sections 9.6.1, 9.6.2, and 9.6.3, acceptable emissions related repairs:

- 9.6.4.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, and procedures, and/or repairs to the evaporation vapor recovery system;
- 9.6.4.2 Does not include adjustments, maintenance, or repairs performed prior to the official emissions test;
- 9.6.4.3 Does not include the fee paid for the test;
- 9.6.4.4 Does not include costs associated with the repairs or replacements of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems;
- 9.6.4.5 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution;
- 9.6.4.6 Refers to repairs, maintenance, and diagnostic evaluations done in accordance with manufacturer's specifications, to the extent that the purpose is to reduce emissions.

9.6.5 Information regarding all performed repairs shall be entered into the appropriate data base of the test equipment prior to the vehicle being retested.

9.6.6 Certificates of Waiver shall only be issued by the Department unless the Department determines other acceptable methods of issuing the waivers. A waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for waiver issuance.

9.6.7 Prior to referring the owner/operator to the Department for determining waiver eligibility, the I/M Program Station and the Certified Emissions Inspector shall verify that the repair and eligibility requirements of this Section have been met.

9.6.8 A Certificate of Waiver shall only be issued once to any vehicle that qualifies, throughout the lifetime of the vehicle.

10.0 ENGINE SWITCHING

10.1 Engine switching shall be allowed only in accordance with EPA policy.

10.2 Vehicles not meeting the requirements of Section 10.0 shall be deemed as tampered and are not eligible for a Certificate of Waiver, unless they are restored to the original engine and emission control configuration.

11.0 SPECIFICATIONS FOR CERTIFIED TESTING EQUIPMENT AND CALIBRATION GASES

11.1 Approval of Certified Testing Equipment

11.1.1 Certified Testing Equipment shall meet the specifications as detailed in Appendix E.

11.1.2 It shall be illegal for any person to modify the hardware or software of approved emissions test equipment without written application and formal approval by the Department.

11.1.3 It shall be illegal for any person to gain access to any Department controlled portions of an approved test equipment without approval by the Department.

11.2 Calibration Gases

11.2.1 General: The approved vendor shall, on request, supply at a reasonable cost to the I/M Program Station, calibration gases approved by the Department. The approved vendor shall have approved, full calibration gas containers installed and operational at the time of delivery. The Department shall establish necessary procedures for approving calibration gases.

11.2.2 Calibration Gas Blends: The calibration gases supplied to any I/M Program Station shall conform to the specifications of the Department as specified in Appendix E. All calibration gases shall meet all Federal requirements for the emissions warranty coverage. Only gas blends supplied by Department approved blenders shall be used to calibrate official Analyzers.

11.3 Warranty and Maintenance Requirements

11.3.1 It shall be the responsibility of the I/M Program Station to obtain warranty coverage for testing equipment supplied by the approved vendor. Coverage requirements will be determined by the Department.

11.3.2 The testing equipment shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

11.4 Gas Calibration and Leak Check:

Gas calibrations and leak checks shall be performed in accordance with the schedule referenced in Appendix E.

12.0 QUALITY ASSURANCE

12.1 A quarterly inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station.

12.1.2 During the time of the inspection and audit by the Department, the Department representative shall have exclusive access to the test equipment.

12.1.3 Required tools and equipment as noted in Section 7.1.5, shall be kept at the I/M Program Station at all times and shall be available for inspection by the Department at any time the inspection station is open for business.

12.2 An annual covert inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station.

12.3 The Department may increase the frequency of inspections and audits for I/M Program Stations and/or Certified Emissions Inspectors if the Department receives information of a violation of this Regulation.

12.4 The Department shall regularly monitor I/M Program Stations and/or Certified Emissions Inspectors through inspection records and/or technology integrated into the Certified Test Equipment.

13.0 CUTPOINT STANDARDS FOR MOTOR VEHICLES EXHAUST GASES

In order to obtain a valid emissions Certificate of Compliance, exhaust emissions from a motor vehicle subject to an biennial exhaust gas emission inspection shall not exceed the

maximum concentrations for carbon monoxide (CO) and hydrocarbons (HC) as specified in Appendix B.

14.0 DISCIPLINARY PENALTIES AND RIGHT TO APPEAL

14.1 When the Department, or its representative(s), receives information of a violation of any regulation contained herein which may result in a permit denial, revocation, or suspension, the Department shall notify the affected entity, in writing, informing the entity of the violation and penalties to be enforced. The affected entity may request a hearing within ten calendar days of the Department giving notice of the potential permit denial, revocation, or suspension. Only a written request for a hearing shall be honored by the Department. No appeal may be made on a formal warning.

14.1.1 In considering the appropriate administrative action to be taken as indicated in Appendix C, the Director shall consider the following:

- 14.1.1.1 whether the violation was unintentional or careless;
- 14.1.1.2 the frequency of the violation or violations;
- 14.1.1.3 the audit and covert audit history of the I/M Program Station and the Certified Emissions Inspector;
- 14.1.1.4 whether the fault lies with the I/M Program Station or the Certified Emissions Inspector.

14.1.2 After consideration of the factors in Section 14.1.1 the Director may take appropriate administrative action as indicated in Appendix C against either the I/M Program Station, the Certified Emissions Inspector, or both.

14.2 Appeals Hearing Procedure:

14.2.1 An appeals hearing shall be held at the request of the affected entity in order to determine the accuracy of information obtained by the Department and whether there are mitigating factors which would justify a reduction of the imposed penalties.

14.2.2 The requesting party may bring to the hearing any witnesses and any evidence believed to be pertinent to the disciplinary action.

14.2.3 The appeal shall be heard by the Vehicle Inspection and Maintenance Appeal Board, hereafter I/M Board, consisting of at least three persons, who are not employees of Bear River Health Department, appointed by the Board. The I/M Board shall have the discretion to determine which witnesses shall be heard and what evidence is relevant.

14.2.4 Violations determined to be intentional or flagrant shall result in the maximum enforcement of the penalty schedule pursuant to Appendix C.

14.2.5 In considering whether to reduce a penalty indicated by Appendix C, the I/M Board and the Department shall consider the following:

- 14.2.5.1 whether the violation was unintentional or careless;
- 14.2.5.2 the frequency of the violation or violations;
- 14.2.5.3 the audit and covert audit history of the I/M Program Station and the Certified Emissions Inspector;
- 14.2.5.4 whether the fault lies with the I/M Program Station, the Certified Emissions Inspector, or both.

14.3 Written notice of the final determination of the I/M Board, including the I/M Board's finding under Section 14.2.5, shall be made within ten calendar days after the conclusion of the appeals hearing.

15.0 PENALTY

15.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

15.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

15.3 The county attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

15.4 In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department.

15.5 A Penalty Schedule for permit warning, suspension, or revocation is adopted as Appendix A and may be amended by the Board as the Board deems necessary to accomplish the purposes of this Regulation.

16.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application and to this end the provisions of this Regulation are hereby declared to be severable.

17.0 EFFECTIVE DATE

This Regulation shall become effective on May 9, 2013 as adopted by the Bear River Board of Health.

M. Kym Heaton

Appendix A

Fee Schedule (Proposed)

Permitting of an official I/M Program Station	\$250.00
Annual Renewal of I/M Program Station	\$50.00
Expired I/M Program Station Renewal	\$75.00
I/M Program Station Re-location	\$75.00
Permitting of a Certified Emissions Inspector	\$25.00
Renewal of Certified Emissions Inspector	\$15.00
Expired Certified Emissions Inspector Renewal	\$25.00
Official Station Sign	Cost
APC Fee for 12 month registration	\$3.00
APC Fee for 6 month registration	\$2.25
Emissions Inspection Fee – 1996 and newer	\$15.00
Emissions Inspection Fee – 1995 and older	\$20.00

APPENDIX B

BEAR RIVER HEALTH DEPARTMENT EMISSION STANDARDS CUTPOINTS

MOTOR VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM

The following schedule gives the maximum allowable concentrations for carbon monoxide (CO) and hydrocarbons (HC) for both cars and trucks as determined by an approved infrared gas analyzer using the prescribed procedures. The effective date for these cutpoints is January 1, 2014.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS 1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS MAXIMUM CONCENTRATION STANDARDS

<u>MODEL YEAR</u>	<u>PERCENT CARBON MONOXIDE</u>	<u>PARTS/MILLION HYDROCARBONS</u>
1968-1969	6.0	800
1970-1974	5.0	700
1975-1976	4.0	600
1977-1979	3.0	500
1980	2.0	300
1981-1995	1.2	220
1996 and newer	N/A – OBD II	N/A – OBD II

HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 AND OVER GVWR 1979 AND NEWER OVER 8,500 GVWR MAXIMUM CONCENTRATION STANDARDS

1968-1969	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981 and newer	3.5	800

The minimum dilution factor must also be reached as part of the testing requirement. The dilution factor determination is contained in the analyzer specifications provided by the approved vendor.

NOTE: These should be considered as “cutpoints” for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer’s specifications. By using manufacturer’s specifications, the emissions levels should be well below the “cutpoints.”

APPENDIX C – PENALTY SCHEDULE

Violation (resets after 2 years of no similar violations unless revoked)	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Failure to inspect or substituting a vehicle other than the vehicle on the test record <i>(intentional pass)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Passing a failing vehicle or recording pass for tampering on a tampered vehicle <i>(gross negligence)</i>	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of permit for up to 5 years
Falsifying an inspection record or emissions certificate or Failing a passing vehicle <i>(intentional)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Non-certified person performing test <i>(gross negligence table)</i>	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of permit for up to 5 years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Inaccurate or incomplete data entry <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years
Failure to follow proper test procedures <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years

Appendix D – Test Procedures

OBDII Test Procedures

On-Board Diagnostics (OBD) is the monitoring and fault detection/notification process of the Powertrain Control Module (PCM) related to the vehicle's emission control system and powertrain operation on 1996 and newer model year vehicles. When an emissions control malfunction is detected, a dashboard light illuminates, displaying one of the following: "Check Engine," "Service Engine Soon," or the international engine symbol. If the OBD system detects a problem that may cause vehicle emission to exceed applicable federal standards, the Malfunction Indicator Light (MIL) is illuminated and the appropriate diagnostic trouble code (DTC) and engine operating conditions will be stored in PCM memory.

- 1.0 Locate the Diagnostic Link Connector (DLC) on the vehicle being tested. Connect the vehicle to the test equipment.
 - 1.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
 - 1.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
- 2.0 Turn the ignition switch to the off position for at least 30 seconds.
- 3.0 Visually examine the instrument panel to determine if the malfunction indicator light (MIL) illuminates, at least briefly, when the ignition key is turned to the "key on, engine off" (KOEO) position. Enter your visual inspection result into the test equipment.
 - 3.1 If the MIL does not illuminate, the vehicle fails the test and must be repaired.
- 4.0 Turn the ignition switch to the off position for at least 30 seconds.
- 5.0 Start the engine so the vehicle is in the "key on, engine running" (KOER) condition and follow the test equipment screen prompts until the test is complete.
- 6.0 For 1996-2000 model year vehicles two (2) not ready flags are allowed for a passing test. For 2001 and newer vehicles one (1) not ready flag is allowed. If the not ready status exceeds these numbers the vehicle must be driven additional miles until readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready.
- 7.0 If the MIL is commanded on while the engine is running, regardless of Diagnostic Trouble Codes (DTC's), the vehicle will fail the test and will require repairs.

- 8.0 Certain vehicles have been determined by the EPA to be OBDII deficient. The test equipment software will maintain a list of these vehicles and perform a modified OBDII test.
- 9.0 A Certificate of Compliance will be issued if the vehicle meets the requirements established in this section.

Two-Speed Idle (TSI) Test Procedures

During a two-speed idle test, the Analyzer measures the tailpipe exhaust emissions of a vehicle while the vehicle idles at both high and low speed. The Analyzer tests vehicles for carbon dioxide in addition to hydrocarbons and carbon monoxide. The two-speed idle test comprises two phases: (1) high speed test (2200-2800 RPMs) for the first phase of the emissions test; then, (2) tested at idle (350-1100 RPMs).

- 1.0 The Certified Emissions Inspector shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the inspection station or test equipment or which may affect the validity of the test, until such condition is corrected. Such conditions include, but are not limited to: coolant, oil, or fuel leaks; low oil or low fluid levels; and high visible emissions.
- 2.0 Prepare the Analyzer for testing as specified by the manufacturer.
- 3.0 Each vehicle shall be checked to determine that it is at normal operating temperature by feeling the top radiator hose or by checking the temperature gauge. Each vehicle shall be at normal operating temperature before performing the emissions inspection.
- 4.0 The inspection shall be performed with the transmission in "park" or "neutral" and with all accessories off and the emergency brake applied.
- 5.0 The Analyzer probe shall be inserted into the exhaust pipe at least twelve inches or as recommended by the Analyzer manufacturer, whichever is greater.
- 6.0 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.
- 7.0 For all vehicles equipped with a multiple exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adapter.
- 8.0 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.
- 9.0 With the tachometer properly attached, the vehicle shall be tested by following the screen prompts, answering questions, and entering required data. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emission test. The dilution standard shall be contained in the Analyzer specifications provided by the approved vendor.

- 10.0 The Certified Emissions Inspector shall verify the presence of a gas cap and enter the information into the Analyzer.
- 11.0 Certain vehicles cannot be tested in the high speed (2200-2800 RPM) mode. The test equipment software will maintain a list of these vehicles and perform a modified test.
- 12.0 A Certificate of Compliance shall be issued if the vehicle emissions levels are the same as or less than the applicable cutpoint standards as referenced in Appendix B, and the vehicle has a gas cap present.

Diesel Powered Vehicles Test Procedures

- 1.0 All diesel powered vehicles 2007 and newer shall be tested in accordance with the following procedure:
 - 1.1 Locate the Diagnostic Link Connector (DLC) on the vehicle being tested. Connect the vehicle to the test equipment.
 - 1.1.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
 - 1.1.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
 - 1.2 Turn the ignition switch to the off position for at least 30 seconds.
 - 1.3 Visually examine the instrument panel to determine if the malfunction indicator light (MIL) illuminates, at least briefly, when the ignition key is turned to the "key on, engine off" (KOEO) position. Enter your visual inspection result into the test equipment.
 - 1.3.1 If the MIL does not illuminate, the vehicle fails the test and must be repaired.
 - 1.4 Turn the ignition switch to the off position for at least 30 seconds.
 - 1.5 Start the engine so the vehicle is in the "key on, engine running" (KOER) condition and follow the test equipment screen prompts until the test is complete.
 - 1.6 If the vehicle has 1 or more monitors "not ready", follow the attached flowchart to determine whether the readiness check will be marked as pass or fail.
 - 1.7 If the MIL is commanded on while the engine is running, regardless of Diagnostic Trouble Codes (DTC's), the vehicle will fail the test and will require repairs.
 - 1.8 Certain vehicles have been determined by the EPA to be OBDII deficient. The test equipment software will maintain a list of these vehicles and perform a modified OBDII test.
 - 1.9 A Certificate of Compliance will be issued if the vehicle meets the requirements established in this section.

2.0 All diesel powered vehicles 1998-2006 shall be subject to a visual anti-tampering inspection. The air pollution control devices identified in the emission decal shall be in place and apparently operable on the vehicle. If the decal is missing the vehicle owner/operator shall have the decal replaced before the inspection can continue.

2.1 The devices listed on the decal must be present and apparently operable to pass the emission inspection.

2.2 If the OBD II system is identified in the emission decal, the procedure in Section 1.1 through 1.5 shall be followed.

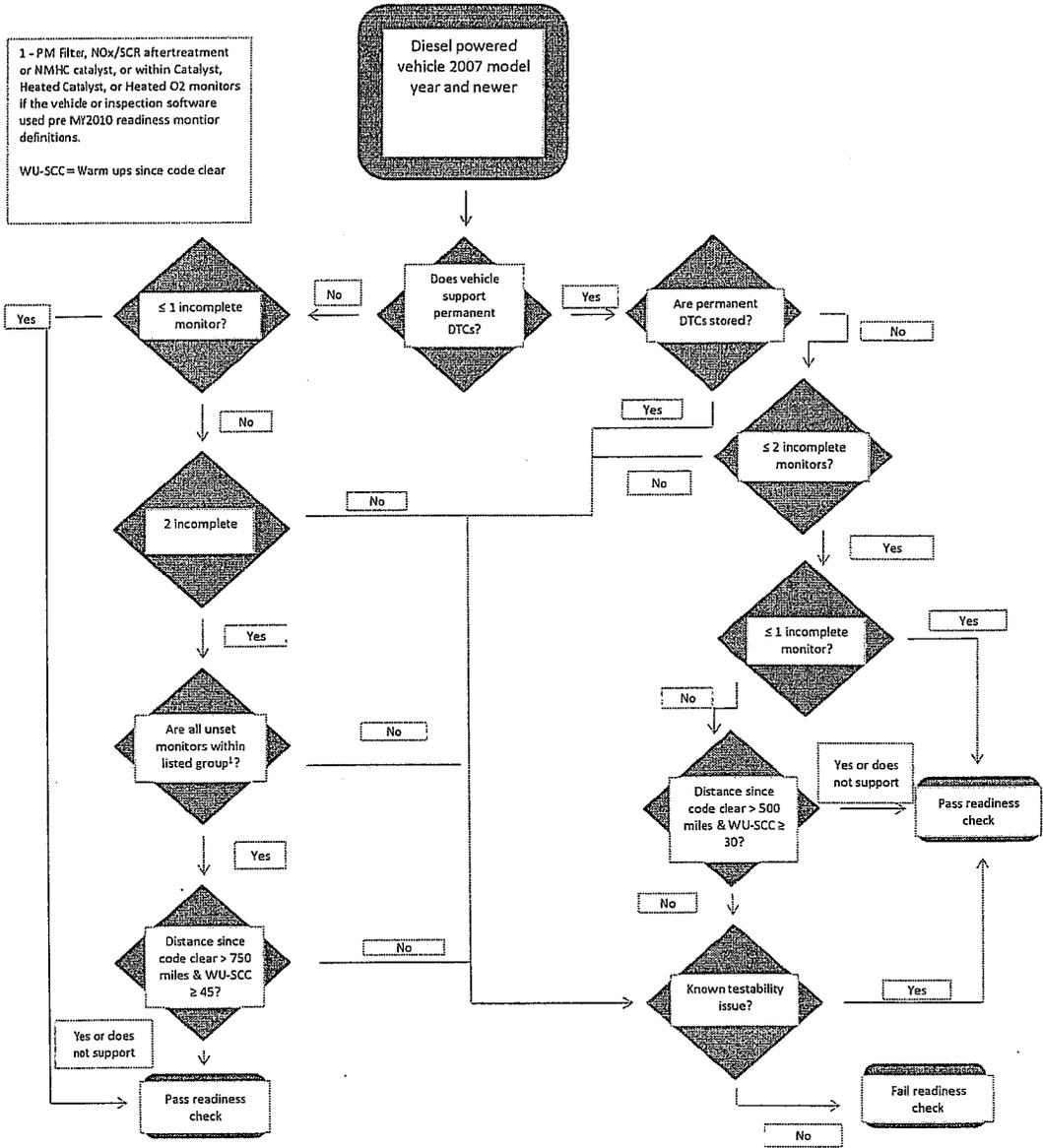
2.3 If the decal is missing and is no longer available for replacement the vehicle owner/operator shall provide written documentation to the Department stating such. Approved documentation shall come from an authorized dealer or manufacturer of the vehicle in question.

2.3.1 If the emissions decal is missing and the vehicle meets the requirements of Section 2.3, the following emissions control devices should be present and apparently operable if factory equipped:

Catalyst;
Exhaust Gas Recirculation System (EGR);
Diesel Particulate System (DPF);
Air Injection Reaction System (AIR);
Urea System (SCR); and
OBD II System.

2.4 A Certificate of Compliance shall be issued if the emissions control devices are in place and apparently operable. An inspection of the OBD II system as referenced in Section 2.2 shall be for informational purposes only and will not determine whether a vehicle passes or fails the emission inspection.

Diesel Readiness Check Flowchart



Appendix E – Technical Specifications and Calibration Gas

Will be provided by selected vendor