

**CRAIG W BUTTARS**  
COUNTY EXECUTIVE / SURVEYOR

199 NORTH MAIN  
LOGAN, UTAH 84321  
TEL: 435-755-1850  
FAX: 435-755-1981



**Cache  
County**  
1857

**COUNTY COUNCIL**

KATHY ROBISON, COUNCIL CHAIR  
GREG MERRILL, COUNCIL VICE CHAIR  
DAVID L. ERICKSON  
VAL K. POTTER  
JON WHITE  
CORY YEATES  
GORDON A. ZILLES

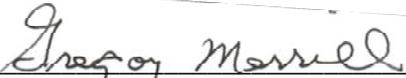
May 22, 2015

**PUBLIC NOTICE** is hereby given that the Cache County Council of Cache County, Utah will hold a **REGULAR MEETING** in the Cache County Historic Courthouse, County Council Chambers, 199 North Main, Logan, Utah 84321 at **5:00 p.m.** on **TUESDAY, MAY 26, 2015**

**AMENDED AGENDA**

- 5:00 p.m.
1. **CALL TO ORDER**
  2. **OPENING / PLEDGE – Val Potter**
  3. **REVIEW AND APPROVAL OF AGENDA**
  4. **REVIEW AND APPROVAL OF MINUTES (May 12, 2015)**
  5. **REPORT OF COUNTY EXECUTIVE**
    - a. Appointments
    - b. Warrants
    - c. Other Items
  6. **CONSENT AGENDA**
    - a. **North Pine Canyon Ranch Subdivision Amendment** – A request to amend the boundary of the existing 3-lot Subdivision and two (2) agricultural remainders and create a new buildable lot on 149.68 acres located approximately 4901 West 4600 South, west of Wellsville – Agricultural (A10) Zone
    - b. **Scott Wells Subdivision** – A request for a 1-lot Subdivision on 11.98 acres located approximately 4840 West 4600 South, west of Wellsville – Agricultural (A10) Zone, currently part of the North Pine Canyon Ranch Subdivision
  7. **ITEMS OF SPECIAL INTEREST**
  8. **UNIT OR COMMITTEE REPORTS**
    - a. Buildings & Grounds – Dennis Gardner
  9. **BUDGETARY MATTERS**
  10. **PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS**
- 6:00 p.m.\*
- a. **Public Hearing – Open 2015 Budget**
  11. **PENDING ACTION**

12. **INITIAL PROPOSALS FOR CONSIDERATION OF ACTION**
  - a. **Resolution 2015-09 – Amendments to 2015 Budget**
  - b. **Resolution 2015-10 – Declaring Certain Real Property as Surplus Property**
  - c. **Resolution 2015-11 – 2015 Weed Control Policy**
  - d. **Resolution 2015-12 – Adopting Proposed Changes to County Vehicle Emissions Program**
  - e. Property Tax Deferral Request
  - f. Approval of Restaurant / RAPZ Tax Committee Recommendations
  - g. Discussion – HB362-Local Option Tax
  - h. **Paradise Horizon Subdivision** – An amendment to the Findings of Fact regarding a design exception to extend the length of a private cul-de-sac roadway due to topographic constraints and to the conditions of approval regarding the surfacing of said roadway. Previously reviewed and approved by the Council as a request for a 3-lot Subdivision on 20.19 acres located approximately 800 East 8600 South, east of Paradise – Agricultural (A10) Zone.
  
13. **OTHER BUSINESS**
  - a. Elected Officials Days at Lagoon – June 7-11, 2015
  - b. 2015 USACCC Summer Conference – Friday, June 19, 2015 at the Riverwoods Conference Center
  - c. Nibley City Heritage Days Parade – Saturday, June 20, 2015 at 10:00 a.m.
  
14. **COUNCIL MEMBER REPORTS**
  
15. **ADJOURNMENT**

  
\_\_\_\_\_  
Gregory Merrill, Vice Chairman

**\*Citizens desiring to be heard at a public hearing are encouraged to submit their messages in writing prior to or during the hearing**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Janeen Allen at 755-1850 at least three working days prior to the meeting.

**STAFF REPORT: NORTH PINE CANYON RANCH SUBDIVISION AMENDMENT  
& SCOTT WELLS SUBDIVISION**

07 May 2014

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Scott Wells, Amy Wells, Jarvis Maughan,  
and Claren Maughan

**Parcel ID#:** 11-075-0009, 0017, and 0019

**Staff Determination:** Approval with conditions

**Type of Action:** Administrative

**Land Use Authority:** Cache County Council

**LOCATION**

*Reviewed by: Stephanie Nelson - Planner I*

**Project Address:**

4840 West 4600 South and 4901 W 4600 S  
Wellsville, Utah 84339

North – Agricultural/Residential

South – Agricultural/Residential/Mineral  
Extraction and Excavation

**Current Zoning:**

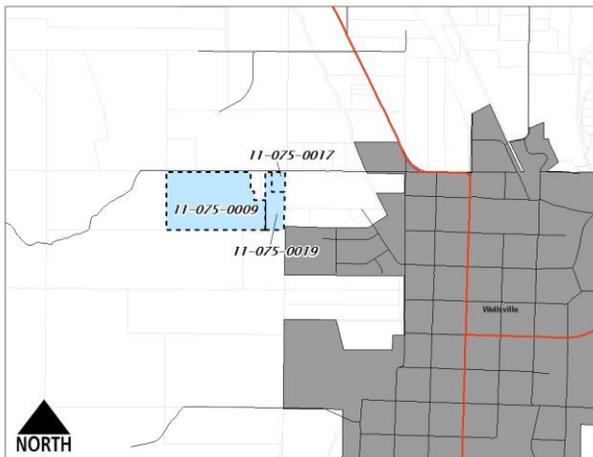
Agricultural (A10)

**Acres:** 74.81

East – Forest Recreation/Residential

West – Agricultural/Residential/City of  
Wellsville

**Surrounding Uses:**



**PURPOSE, APPLICABLE ORDINANCE, AND SUMMARY**

**Purpose:**

To review and make a recommendation to the County Council regarding the proposed North Pine Canyon Ranch Subdivision Amendment and Scott Wells Subdivision.

**Ordinance:**

As per the Cache County Zoning Ordinance Table §17.10.030 Development Density and Standards Specific to Base Zoning Districts, a development density of one (1) unit per ten (10) acres is permitted in this zone. Adequate acreage is available for both the amendment and subdivision.

**Summary:**

The existing North Pine Canyon Ranch Subdivision contains 161.66 acres and consists of three (3) buildable lots with existing dwellings (11-075-0010, 0011, and 0017) and two (2) agricultural remainders (11-075-0009 and 11-075-0007). The subdivision was amended in July of 2013 without approval when an additional agricultural parcel (11-075-0019) was divided from 11-075-0017. These proposals will legalize parcels 11-075-0017 and 11-075-0019 in the Scott Wells Subdivision and add one (1) buildable lot to the North Pine Canyon Ranch Subdivision Amendment.

The North Pine Canyon Ranch Subdivision Amendment will amend the existing subdivision boundary by, 1) removing parcels 11-075-0017 and 0019 from the subdivision boundary, and 2) the division of a new, one (1) acre buildable lot from the existing agricultural remainder #1 (11-075-0009).

The Scott Wells Subdivision will legally divide parcels 11-075-0017 and 11-075-0019 into one (1) developable lot and one (1) agricultural remainder parcel. The total developable acreage for this subdivision is 11.98 acres.

***Developable Acreage:***

- There is adequate acreage for the addition of one (1) lot in the North Pine Canyon Ranch Subdivision Amendment and the division/creation of an agricultural remainder in the Scott Wells Subdivision.

***Access:***

- Access to these properties is from 4600 South and is adequate. 4600 South is a 22' wide paved roadway with a 1' gravel shoulder.

***Storm Water:***

- Any future building construction or land disturbance for the Scott Wells Subdivision shall require Storm Water review.

***Water & Septic:***

- An adequate, approved, domestic water right is currently in place for all building lots within the proposed subdivision.
- The existing dwellings each have septic systems in place. The Bear River Health Department has approved the new lot configurations and has provided a feasibility letter for the proposed lot in the North Pine Canyon Ranch Subdivision Amendment.

***Service Provision:***

- A school bus stop is located at 4840 West 4600 South, approximately 0.1 mile(s) from the proposed subdivision(s).
- Residential refuse and recycle containers shall be placed on 4600 South for Tuesday collection.
- The residents shall provide sufficient shoulder space for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.
- Water supply for fire suppression will be provided by the City of Wellsville Fire Department. Access for emergency services is adequate.

***Sensitive Areas:***

- Moderate and steep slopes are located within the subdivision(s) boundary, but are not located on the proposed developable lot in the North Pine Canyon Ranch Subdivision Amendment.
- The FEMA floodplain crosses through the subdivision(s) boundary, and may be located within the proposed developable lots of the North Pine Canyon Ranch Subdivision Amendment. A floodplain permit shall be required before issuance of building permits.

**Public Comment:**

Notices were mailed to the property owners and municipalities located within 300 feet of the subject property. At this time no public comment regarding this proposal has been received by the Development Services Department.

**NORTH PINE CANYON RANCH SUBDIVISION AMENDMENT  
STAFF DETERMINATION AND FINDINGS OF FACT (4)**

---

It is staff's determination that the North Pine Canyon Ranch Subdivision Amendment on property located at approximately 4901 West 4600 South with parcel numbers 11-075-0007, 0009, and 0019, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The North Pine Canyon Ranch Subdivision Amendment has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The North Pine Canyon Ranch Subdivision Amendment has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The North Pine Canyon Ranch Subdivision Amendment conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The North Pine Canyon Ranch Subdivision Amendment is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

**CONDITIONS OF APPROVAL (3)**

---

The following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.
2. The proposed Lot 4 of the North Pine Canyon Ranch Subdivision Amendment must provide sufficient shoulder for the residential refuse and recycle containers to sit four feet apart and be out of the travel lane.

The following conditions must be met prior to the recordation of the final plat:

3. The proponent shall reaffirm 33' from the centerline of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision amendment and subdivision boundaries.

## SCOTT WELLS SUBDIVISION

### STAFF DETERMINATION AND FINDINGS OF FACT (4)

It is staff's determination that the Scott Wells Subdivision on property located at approximately 4840 West 4600 South with parcel number(s) 11-075-0017 and 0019, is in conformance with the Cache County Ordinance requirements and should be forwarded to the County Council with a recommendation of approval. This determination is based on the following findings of fact:

1. The Scott Wells Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The Scott Wells Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The Scott Wells Subdivision conforms to the preliminary and final plat requirements of §16.03.030 and §16.03.040 of the Cache County Subdivision Ordinance.
4. The Scott Wells Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

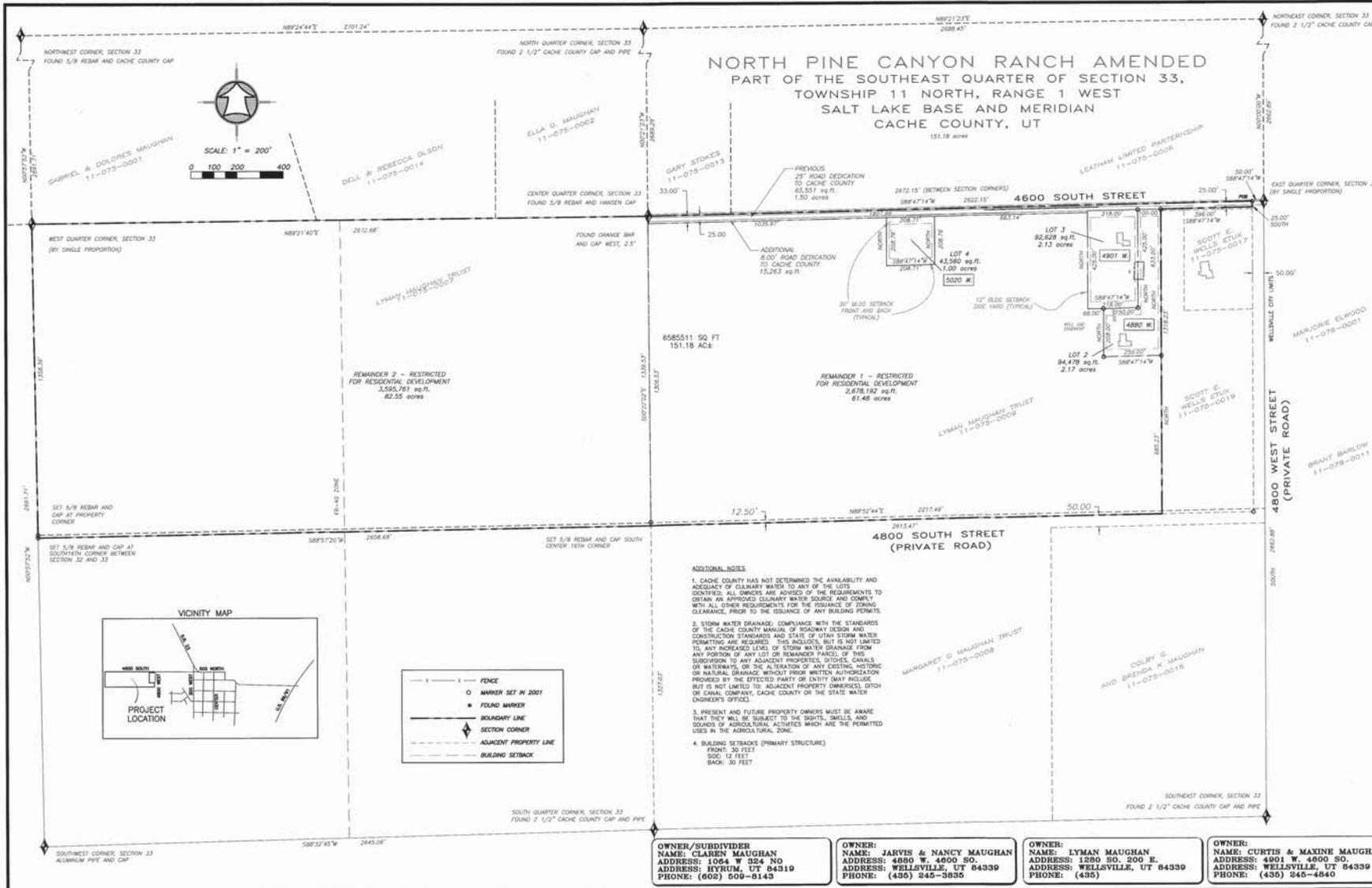
### CONDITIONS OF APPROVAL (2)

The following conditions must be met for the developments to conform to the County Ordinance and the requirements of county service providers.

1. The proponent shall meet all applicable standards of the Cache County Ordinance.

The following conditions must be met prior to the recordation of the final plat:

2. The proponent shall reaffirm 33' from the centerline of Cache County's 66' wide right-of-way for all county roads along the proposed subdivision amendment and subdivision boundaries.



**SURVEY CERTIFICATE**

I, LARNE A. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 344561, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT INTO LOTS AND STREETS, HEREINAFTER TO BE KNOWN AS NORTH PINE CANYON RANCH AMENDED, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE OWNERS' PROPERTY.

LARNE A. SMITH  
DATE: MARCH 25, 2015

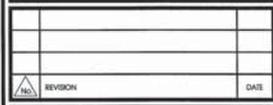
**BOUNDARY DESCRIPTION**

**LEGAL DESCRIPTION**  
PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:  
BEGINNING SOUTH 89°47'14" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33 (WEST BY RECORD), 50.00 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33, AND THENCE SOUTH ALONG A LINE PARALLEL WITH AND WEST 50.00 FEET OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, 35.00 FEET;  
THENCE SOUTH 89°47'14" WEST ALONG A LINE PARALLEL WITH AND SOUTH 35.00 FEET OF THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, 38.00 FEET;  
THENCE SOUTH, 1316.23 FEET;  
THENCE SOUTH 89°47'14" WEST, 2217.49 FEET TO A POINT SOUTH 00°22'10" EAST, 12.50 FEET OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33;  
THENCE SOUTH 89°57'20" WEST, 2058.68 FEET TO A POINT BEING SOUTH 89°57'20" WEST (SOUTH BY RECORD), 12.50 FEET OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33;  
THENCE NORTH 00°22'10" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, 1358.36 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 33;  
THENCE NORTH 89°47'14" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, 975.88 FEET TO THE CENTER OF SAID SECTION 33;  
THENCE NORTH 89°47'14" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33 (WEST BY RECORD), 2822.15 FEET TO THE BEGINNING.  
CONTAINING 151.18 ACRES +/-.

**SURVEY HISTORY:**

- BASE OF BEARING IS THE EAST LINE OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN FROM CACHE COUNTY RECORDS.
- THE PURPOSE OF THIS SURVEY IS TO RETRACE AND SUBDIVIDE NORTH PINE CANYON RANCH AS SHOWN, NORTH PINE CANYON RANCH AS FILED AS ENTRY NO. 830388 IN THE OFFICE OF THE CACHE COUNTY RECORDS.
- RETRACEMENT: ALL LINES ARE AT RECORD DIMENSIONS OF NORTH PINE CANYON RANCH AS SHOWN ON THE OFFICIAL PLAT THEREIN.
- SET 5/8 REBAR AND CAPS AT PROPERTY CORNERS AS SHOWN.

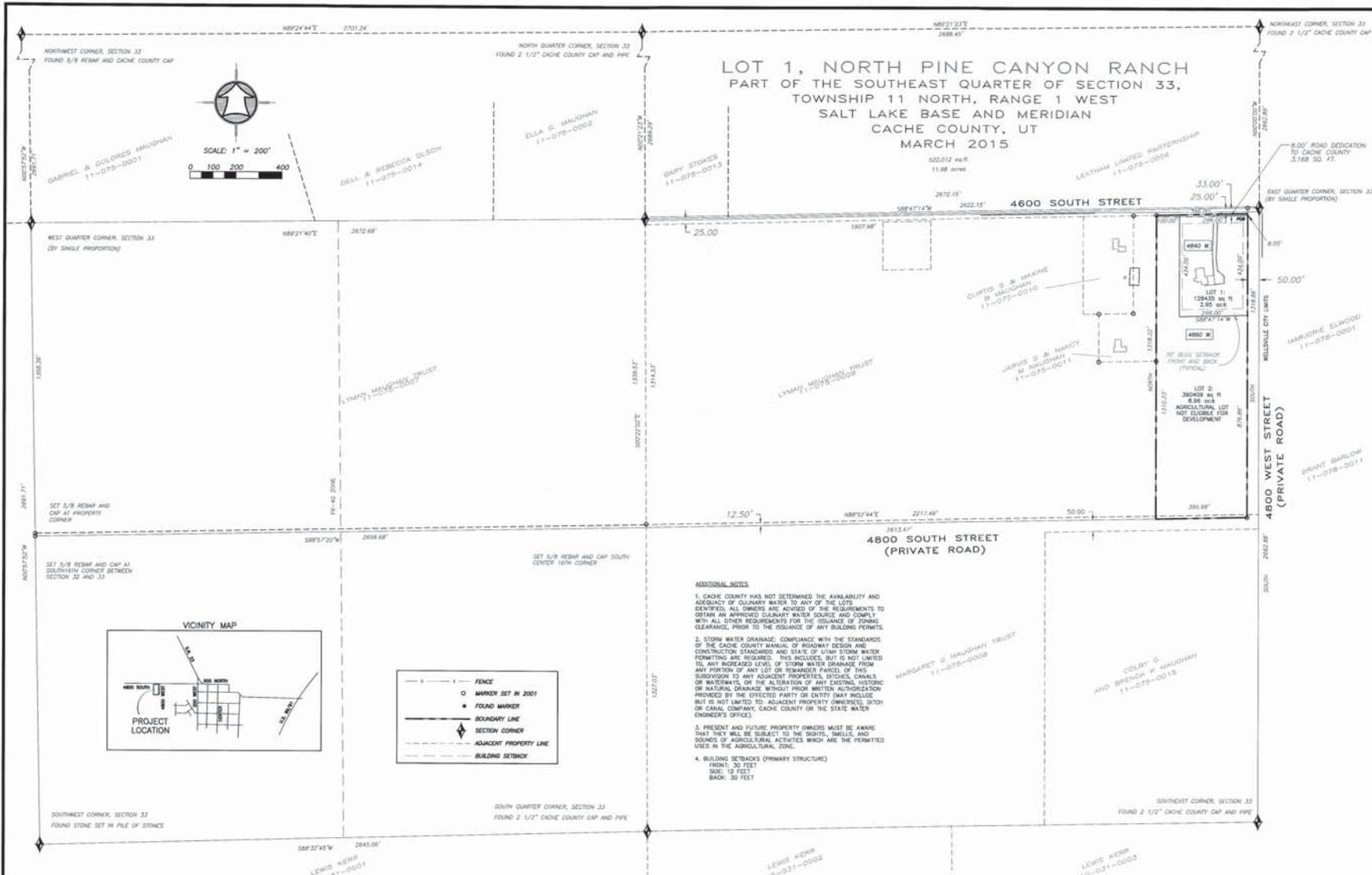
NO.	REVISION	DATE



Project Title:  
**NORTH PINE CANYON RANCH AMENDED**  
WELLSVILLE, UT

Sheet Title:  
**SURVEY PLAT**

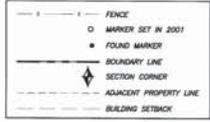
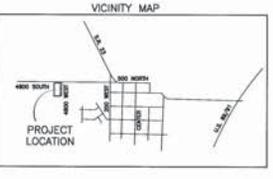
Drawn By: J. BOCKY	Project Number: 15-017	Sheet No.:
Designed By:	Date: MARCH 25, 2015	1
Reviewed By: L. SMITH	Sheet Scale: 1" = 200'	1 of 1
C:\DATA\15-017-2		



**LOT 1, NORTH PINE CANYON RANCH**  
 PART OF THE SOUTHEAST QUARTER OF SECTION 33,  
 TOWNSHIP 11 NORTH, RANGE 1 WEST  
 SALT LAKE BASE AND MERIDIAN  
 CACHE COUNTY, UT  
 MARCH 2015

**ADDITIONAL NOTES**

- CACHE COUNTY HAS NOT DETERMINED THE AVAILABILITY AND ADEQUACY OF CLARINARY WATER TO ANY OF THE LOTS CENTERED. ALL OWNERS ARE ADVISED THE REQUIREMENTS TO OBTAIN AN APPROVED CLARINARY WATER SOURCE AND COMPLY WITH ALL OTHER REQUIREMENTS FOR THE ISSUANCE OF ZONING CLEARANCE, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.
- STORM WATER DRAINAGE COMPLIANCE WITH THE STANDARDS OF THE CACHE COUNTY MANUAL OF ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND STATE OF UTAH STORM WATER FLOWING ARE REQUIRED. THIS INCLUDES, BUT IS NOT LIMITED TO, ANY INCREASED LEVEL OF STORM WATER DRAINAGE FROM ANY PORTION OF ANY LOT OR TRACTS OF LAND, OR MATERIALS OR THE ALTERATION OF ANY EXISTING HISTORIC OR NATURAL DRAINAGE WITHOUT PRIOR WRITTEN AUTHORIZATION PROVIDED BY THE EFFECTIVE PARTY OR ENTITY MAY INCLUDE, BUT IS NOT LIMITED TO, ADJACENT PROPERTY OWNERS, DITCH OR CANAL COMPANY, CACHE COUNTY OR THE STATE WATER ENGINEER'S OFFICE.
- PRESENT AND FUTURE PROPERTY OWNERS MUST BE AWARE THAT THIS WILL BE SUBJECT TO THE SIGHTS, SOUNDS, AND SOUNDS OF AGRICULTURAL ACTIVITIES WHICH ARE THE PERMITTED USES IN THE AGRICULTURAL ZONE.
- BUILDING SETBACKS (PRIMARY STRUCTURE)  
 FRONT: 30 FEET  
 SIDE: 12 FEET  
 BACK: 30 FEET



**SURVEY CERTIFICATE**

I, LANCE L. SMITH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 22465 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OFFICE, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBMITTED SAID TRACT INTO LOTS AND STREETS, HEREINAFTER TO BE KNOWN AS LOT 1, NORTH PINE CANYON RANCH SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

LANCE L. SMITH  
 DATE: \_\_\_\_\_  
 STATE OF UTAH

**BOUNDARY DESCRIPTION**

ALL OF LOT 1, NORTH PINE CANYON RANCH AS RECORDED UNDER FILING NO. 830389 IN THE OFFICE OF THE CACHE COUNTY RECORDER, LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 10 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:  
 BEGINNING SOUTH 88°47'14" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33 (WEST BY RECORD), 50.00 FEET AND SOUTH 25.00 FEET OF THE EAST QUARTER CORNER OF SAID SECTION 33;  
 AND THENCE SOUTH 1318.88 FEET;  
 THENCE SOUTH 88°52'44" WEST, 395.88 FEET;  
 THENCE NORTH 1318.22 FEET;  
 THENCE NORTH 88°17'14" EAST, 396.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.98 ACRES +/-.

- SURVEY NARRATIVE:**
- BASES OF BEARING IS THE EAST LINE OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN FROM CACHE COUNTY MARKERS.
  - THE PURPOSE OF THIS SURVEY IS TO RETRACE AND SUBDIVIDE LOT 1 OF NORTH PINE CANYON RANCH AS SHOWN. LOT 1 IS FILED AS ENTRY NO. 849889 IN THE OFFICE CACHE COUNTY RECORDER.
  - RETRACEMENT: ALL LINES ARE AT RECORD DIMENSIONS OF NORTH PINE CANYON RANCH AS SHOWN ON THE OFFICIAL PLAT THEREOF.
  - SET 5/8 REBAR AND CAPS AT PROPERTY CORNERS AS SHOWN.

**OWNER/SUBDIVIDER**  
 NAME: SCOTT WELLS  
 ADDRESS: 4840 W. 4600 S.  
 ADDRESS: WELLSVILLE, UT 84538  
 PHONE: (435) 890-2110

REVISION	DATE



Project Title:  
**LOT 1, NORTH PINE CANYON RANCH**  
 WELLSVILLE, UT

Sheet Title:  
**FINAL PLAT**

Drawn By: J. BOOLEY	Project Number: 15-017	Sheet No.:
Designed By: L. SMITH	Date: MARCH 23, 2015	1
Reviewed By: L. SMITH	Sheet Scale: 1" = 200'	1 of 1

COUNTY RECORDER'S No. _____ STATE OF UTAH, COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF _____ DATE ABSTRACTED _____ TIME _____ FILE _____ INDEX FILED IN FILE OF PLATS _____ COUNTY RECORDER	<b>CACHE COUNTY ATTORNEY</b> APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20____ _____ ATTORNEY	<b>PLANNING COMMISSION APPROVAL</b> APPROVED THIS _____ DAY OF _____ A.D. 20____ BY THE CACHE COUNTY PLANNING COMMISSION. _____ CHAIRPERSON	<b>CACHE COUNTY COUNCIL APPROVAL AND ACCEPTANCE</b> PRESENTED TO THE CACHE COUNTY COUNCIL THIS _____ DAY OF _____ A.D. 20____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. _____ COUNCIL CHAIRPERSON      ATTEST:	<b>OWNER'S DEDICATION</b> KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SURVEYED INTO LOTS AND STREETS TO BE HEREINAFTER KNOWN AS LOT 1, NORTH PINE CANYON RANCH SUBDIVISION, DO HEREBY WARRANT AND GIVE CACHE COUNTY FRANCHISE FROM ANY EASEMENTS AND ENCUMBRANCES AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _____ A.D. 20____
	<b>COUNTY SURVEYOR'S CERTIFICATE</b> I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE. _____ DATE _____ COUNTY SURVEYOR	<b>BEAR RIVER HEALTH DEPARTMENT APPROVAL</b> THE SUBDIVISION AMENDMENT DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THE _____ DAY OF _____ 20____. _____ TITLE:	<b>ACKNOWLEDGMENT</b> THE FOREGOING INSTRUMENT WAS PERSONALLY ACKNOWLEDGED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC THIS _____ DAY OF _____ 20____ BY _____ WHO SUBSCRIBED TO THIS INSTRUMENT. WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES _____ NOTARY PUBLIC	<b>INDEX</b> COUNTY RECORDER

**RESOLUTION NO. 2015 - 09**

**A RESOLUTION INCREASING THE BUDGET APPROPRIATIONS FOR CERTAIN COUNTY DEPARTMENTS.**

The Cache County Council, in a duly convened meeting, pursuant to Sections 17-36-22 through 17-36-26, Utah Code Annotated, 1953 as amended, finds that certain adjustments to the Cache County budget for 2015 are reasonable and necessary; that the said budget has been reviewed by the County Finance Director with all affected department heads; that a duly called hearing has been held and all interested parties have been given an opportunity to be heard; that the County Council has given due consideration to matters discussed at the public hearing and to any revised estimates of revenues; and that it is in the best interest of the County that these adjustments be made.

NOW THEREFORE, it is hereby resolved that:

Section 1.

The following adjustments are hereby made to the 2015 budget for Cache County:

**See attached**

Section 2.

Other than as specifically set forth above, all other matters set forth in the 2015 budget shall remain in full force and effect.

Section 3.

This resolution shall take effect immediately upon adoption and the County Finance Director and other county officials are authorized and directed to act accordingly.

This resolution was duly adopted by the Cache County Council on the 26th day of May, 2015.

ATTESTED TO:

CACHE COUNTY COUNCIL

---

Jill N. Zollinger, Cache County Clerk/Auditor

---

Kathy Robison, Council Chair



# BUDGET OPENING

Resolution: 2015-09

Hearing: May 26, 2015

6:00 PM

Department	Account	Title	Description	Adjustment
------------	---------	-------	-------------	------------

### GENERAL FUND

**Adopted Budget: \$22,315,465**

**Proposed Budget: \$22,374,665**

#### Revenues

GRANTS	100-33-10500	FEDERAL GRANTS - HAVA	HAVA Grant Expense	200
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Additional Ordinance Codifying	4,000
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Executive Vehicle Replacement	33,000
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Server Room Fire Mitigation	16,000
CONTRIB./TRANSFERS	100-38-90000	APPROPRIATED FUND BALANCE	Development Services Expansion	6,000

**Total Revenue Adjustment: 59,200**

#### Expenditures

EXECUTIVE	100-4131-740	CAPITALIZED EQUIPMENT	Executive Vehicle Replacement	33,000
GIS	100-4135-720	BUILDING IMPROVEMENTS	Development Services Expansion	20,000
GIS	100-4135-999	A&C ALLOC - GIS 70%	Development Services Expansion	(14,000)
CLERK	100-4142-620	MISC SERVICES	Additional Ordinance Codifying	4,000
ELECTIONS	100-4170-481	ELECTION-SPECIAL GRANT EXPENSE	HAVA Grant Expense	200
COUNTY JAIL	100-4230-720	BUILDING REMODEL-FLOOR MITIGA	Server Room Fire Mitigation	16,000

**Total Expenditure Adjustment: 59,200**

### ASSESSING & COLLECTING FUND

**Adopted Budget: \$3,573,799**

**Proposed Budget: \$3,587,799**

#### Revenues

CONTRIB./TRANSFERS	150-38-90000	APPROPRIATED FUND BALANCE	Development Services Expansion	14,000
--------------------	--------------	---------------------------	--------------------------------	--------

**Total Revenue Adjustment: 14,000**

#### Expenditures

GIS	150-4135-999	A&C ALLOC - GIS 70%	Development Services Expansion	14,000
-----	--------------	---------------------	--------------------------------	--------

**Total Expenditure Adjustment: 14,000**

### MUNICIPAL SERVICES FUND

**Adopted Budget: \$3,943,348**

**Proposed Budget: \$3,943,348**

#### Revenues

-

**Total Revenue Adjustment: -**

#### Expenditures

WEED ERADICATION	200-4450-115	OVERTIME	Over Time	548
WEED ERADICATION	200-4450-250	EQUIPMENT SUPPLIES & MAINT	General Maintenance	5,000
WEED ERADICATION	200-4450-251	NON CAPITALIZED EQUIPMENT	General Maintenance	(5,000)
WEED ERADICATION	200-4450-740	CAPITALIZED EQUIPMENT	Over Time	(548)

**Total Expenditure Adjustment: -**

**CACHE COUNTY  
RESOLUTION 2015-10**

**RESOLUTION DECLARING CERTAIN REAL PROPERTY AS SURPLUS PROPERTY**

WHEREAS, a potential purchaser has expressed an interest in purchasing a parcel of real property owned by Cache County more fully described in Exhibit “A”; and

WHEREAS, Utah Code Ann. Section 17-50-312 provides that the county legislative body shall provide by ordinance, resolution, rule or regulation for the manner in which property shall be acquired, managed, and disposed of; and

WHEREAS, prior to the sale of said Property, Cache County Ordinance 3.40.010 requires the Cache County Council to declare said property as “Surplus Property”; and

WHEREAS Cache County Ordinances 30.40.020 and 30.40.040 establish the procedures and protocols that must be followed prior to declaring the property as “Surplus Property” before it can be conveyed to a purchaser; and

WHEREAS the Cache County Council must hold a public hearing pursuant to Cache County Ordinance 3.40.040(B) before, by motion and vote, the Cache County Council can declare the Property as “Surplus Property” so that it can be conveyed to a purchaser; now

THEREFORE, the Cache County Council finds as follows:

1. That it is in the public interest that the subject real property be disposed of as surplus property. In determining whether the property shall be declared surplus, the County Council has taken into consideration:
  - a. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
  - b. Whether the purpose served by the property can be better accomplished by other alternatives or property.
  - c. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
  - d. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
  - e. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property.

THEREFORE, the Cache County Council, after holding a public hearing, resolves that the Property, better described in "Exhibit A" shall be declared surplus, and that such surplus property may be disposed of by the county executive subject to the provisions of Cache County Code Chapter 3.40. This resolution takes effect immediately upon adoption.

Dated this 26<sup>th</sup> day of May 2015.

ATTESTED TO:

CACHE COUNTY COUNCIL

---

Jill N. Zollinger, Cache County Clerk/Auditor

---

Kathy Robison, Council Chair

CACHE COUNTY

# EXHIBIT A



# RESOLUTION NO. 2015-11

CACHE COUNTY, UTAH

## 2015 ANNUAL NOXIOUS WEED CONTROL POLICY

---

A RESOLUTION IMPLEMENTING THE 2015 NOXIOUS WEED CONTROL POLICY FOR CACHE COUNTY.

WHEREAS, the State of Utah Noxious Weed Act, requires that counties establish methods to control noxious weeds, and;

WHEREAS, Title 8.28 establishes a Weed Control Ordinance for Cache County, and;

WHEREAS, the County Code 8.28 requires that a policy be established annually to determine the noxious weeds targeted for control, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to adopt a Noxious Weed Control Policy.

NOW, THEREFORE, BE IT RESOLVED that the Cache County Council hereby adopts the following resolution:

The 2015 Cache County Noxious Weed Control Policy, attached as Exhibit A, is hereby approved, superseding all prior Noxious Weed Control Policies.

APPROVED AND ADOPTED this 26<sup>th</sup> day of May, 2015.

CACHE COUNTY COUNCIL

ATTEST:

\_\_\_\_\_  
Kathy Robison, Chair  
Cache County Council

\_\_\_\_\_  
Jill Zollinger  
Cache County Clerk

*Disclaimer: This is provided for informational purposes only. The formatting of this resolution may vary from the official hard copy. In the case of any discrepancy between this resolution and the official hard copy, the official hard copy will prevail.*

# CACHE COUNTY, UTAH

## 2015 NOXIOUS WEED CONTROL POLICY

---

### **A. STATEMENT OF INTENT**

The Cache County weed control program will function and enforce in accordance with the Noxious Weed Act and Cache County code section 8.28 to organize, supervise, and coordinate a noxious weed control plan for Cache County including chemical and biological control practices.

### **B. ANNUAL COORDINATION MEETINGS**

The County Weed Board shall hold an annual coordination meeting each year prior to the start of the weed season. All organizations concerned with weed control will be invited to have a representative in attendance including the following agencies: Utah Department of Transportation, U.S. Forest Service, Utah Division of Wildlife Resources, State Trust Lands, Utah Department of Agriculture and Food, Cache County Extension, Union Pacific Railroad, PacifiCorp, Questar, irrigation companies and municipalities. Cache County personnel including Weed Department staff, the Road/Weed Foreman, and the Director of Development Services should be in attendance. Notice of the meeting shall be posted in compliance with County code and State Law.

The purpose of this meeting will be to inventory and record current problem areas, discuss and record any new infestations, discuss effective weed control efforts, discuss and coordinate county priorities with the Cooperative Weed Management Area (CWMA) priorities, and plan and organize the year's weed control program.

In addition to the annual coordination meeting, midyear meetings may be held to discuss pressing weed control issues such as new weed discoveries, weed law violations, and enforcement. A final meeting shall be held in the fall to inform the Weed Board of the activities of the Weed Department for the past weed season and to discuss possible county priorities for the CWMA the following year. The *Annual Weed Progress Report* with a summary of the results of the summer's activities shall be provided to the Weed Board.

### **C. WEED CONTROL SERVICE AREA**

Any individual, corporation, municipality, governmental agency, or organization owning, leasing, or controlling property within Cache County may request the services of the County Weed Department in accordance with weed control priorities established and approved by the Weed Board and the Cache County Council. All requests for agricultural crop spraying and residential yard and/or garden spraying will be referred to commercial applicators.

Property owners are encouraged to participate in weed control activities by locating, identifying, and controlling specific infestations on their individual properties. The County shall conduct weed control activities where required throughout the County. In the case of weed control adjacent to organic farms, the County shall actively spray up to the property boundaries including all County road rights-of-way and

easements. The responsibility to provide a “no-spray” buffer remains on the property owner. If noxious weeds are present on organic farms, the property owner can opt to control said weeds in compliance with this policy, County code, and State law with non-chemical applications if the control is effective. However, if the property owners are unable to control weeds in an appropriate manner, the property may be declared a public nuisance in compliance with County code and the weeds controlled accordingly.

#### **D. WEED CONTROL PRIORITIES**

1. Control of noxious weeds or any plant deemed a nuisance or hazard on property within the county.
2. Control of noxious weeds on steams, drainage, and irrigation systems. Also, control of non-noxious plants which impede the water flow in irrigation systems when that control can be accomplished as part of the noxious weed application.
3. Control of noxious weeds on non-crop land areas such as rangeland, wet pastures, fence lines, vacant land, right-of-ways, easements, county road sides, etc.

#### **E. CATEGORIES OF WEEDS**

For the purpose of organizing efforts and funding weed control programs, noxious and invading weeds are classified as follows:

##### **“A” PRIORITY WEEDS**

Qualifications for this class include: Classified as noxious or invading; typically less than 25 total acres in Cache County; with a reasonable possibility for eradication. These weeds include: Yellow Starthistle, Dalmation Toadflax, St. Johns Wort, Goatsrue, Oxeye Daisy, Yellow Toadflax, Black Henbane and Rush Skeleton Weed. Squarrose Knapweed, Diffuse Knapweed.

##### **“B” PRIORITY WEEDS**

Qualifications for this class include: Classified as noxious or invading; Poses significant threat to surrounding counties/states; beyond expectation of eradication due to large acreage and/or poor access; still considered controllable with herbicide and/or biocontrol. These weeds include: Spotted Knapweed, Russian Knapweed, Musk Thistle, Perennial Pepperweed, Purple Loosestrife, Leafy Spurge, Medusahead.

##### **“C” PRIORITY WEEDS**

Qualifications for this class include: Weeds that are well beyond expectation of eradication or control because infestation is widespread throughout Cache County, Utah and neighboring states. These weeds include: Canada Thistle, Dyerswoad, Field Bindweed, Houndstounge, Salt Cedar, Hoary cress, Scotch Thistle, Quackgrass, Poison Hemlock.

#### **F. NOXIOUS WEED SEED RESTRICTIONS**

It shall be unlawful for any individual or company to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which contain, either in part or in whole, any prohibited noxious weed seeds. “Prohibited” noxious weed seeds are the seeds of any plant determined by Utah Commissioner of

Agriculture and food to be injurious to public health, crops, livestock, land, or other property. (Utah Seed Law, R68-8)

### **G. WEED CONTROL FEE SCHEDULE**

The following charges\* will be effective for the 2015 spraying season.

- 1) Early Detection Rapid Response (EDRR) Grant Projects** – Projects where the Weed Department treats a State/County declared noxious weed and has received specific grant funding for the treatment of such. Cost of \$50.00 per Acre with a \$50.00 minimum charge.
- 2) Goatsrue Grant Projects** – Treatment of any areas invested with Goatsrue while grant funding is available. Cost of \$25.00 per acre with a \$50.00 minimum charge.
- 3) Non-Grant Qualifying or Enforcement Work** - Labor and Equipment at fully loaded and audited rates and Herbicide at full purchase price with a \$50.00 minimum charge.

\*Requests for services or contracts with Cache County Weed Department which; due to distance, terrain, special equipment/control requirements, or particular personnel needs; create expenses not anticipated in the above guidelines may be negotiated on an individual basis with the County.

**CACHE COUNTY  
RESOLUTION 2015-12**

**RESOLUTION ADOPTING PROPOSED CHANGES TO VEHICLE EMISSIONS PROGRAM**

WHEREAS, Cache County Code Section 10.20.030 provides that the Cache County Council shall approve all changes in rules and regulations in the vehicle emissions program; and,

WHEREAS the Cache County Council held a public hearing on May 12, 2015 regarding changes in rules and regulations in the vehicle emissions program; now

THEREFORE, the Cache County Council, after holding a public hearing, hereby approves the changes in Appendices B, C, D, F, and G which are incorporated as part of this resolution. This resolution takes effect immediately upon adoption.

Dated this 26<sup>th</sup> day of May 2015.

ATTESTED TO:

CACHE COUNTY COUNCIL

---

Jill N. Zollinger  
Cache County Clerk/Auditor

---

Kathy Robison  
Council Chair

## Proposed Changes to the Vehicle Emissions I/M Program

### Proposed changes related to waivers:

- 1 – Allow repair work performed up to 60 days prior to the official emissions inspection to be counted as acceptable repairs provided proper documentation can be provided. **The board and the council have requested a longer time period (90-120 days). This has been forwarded to EPA for their opinion. EPA replied and said it may be possible to extend the 60 day time period but it would likely require additional modeling to be performed by the state.**
- 2 – Allow waivers to be issued for readiness issues provided certain conditions are met.
- 3 – Require repairs for OBD compliant vehicles to be directly related to the DTCs and/or further diagnostic tests.
- 4 – Do not count parts that have been replaced that have no justification. Vehicle owners should not be able to just replace random parts in an effort to meet the \$200 limit.
- 5 – Add language that references Utah Code Section 41-6a-1626 for visible emissions.
- 6 – Remove language that has generalized emission control devices and allow the Department to use reference material specific to the vehicle.

### Other changes:

- 1 – Add definitions for “Alternative Fuel”, “Bi-fuel Vehicle”, “Dual Fuel Vehicle”, “Flexible Fuel Vehicle”, and “Rejection”.
- 2 – Add language that prohibits any person except the Certified Emissions Inspector that is logged in from performing the inspection.
- 3 – Add language that allows the Department to suspend or revoke permits if a failed or rejected vehicle is registered through an On the Spot station.
- 4 – Remove language that requires engine change verification forms.
- 5 – Add reinforcing language that prohibits individuals from registering a vehicle without passing an emissions inspection.
- 6 – Remove language that references a smoking vehicle program established by the Board. Smoking vehicles are already illegal in the motor vehicle code.
- 7 – Remove language that requires inspectors to perform visual inspections of emission control equipment.

8 – Remove language that requires the inspector to enter a county into the test equipment. This is not necessary for registration purposes.

9 – Clean up language regarding testing procedures – add “Alternative Fuel”, “Bi-fuel”, etc. to the requirements.

10 – Add language that addresses “Rejected” vehicles and the retest policy.

11 – Appendix B – Clean up language on cutpoint standards. No substantial changes, just clarifications.

12 – Appendix C – Add language for “Registering a failing vehicle”, “Using another inspector’s access”, and “Other regulation violations.”

13 – Appendix D – Add language that requires the catalyst monitor to run following a catalyst related fault. Add language that references Section 41-6a-1626 for visible emissions.

14 – Appendix D – Add language that clarifies that switchable bi-fuel vehicles are tested using both fuels.

15 – Appendix D – Add language that allows the inspector to use approved reference material for inspecting diesel vehicles rather than requiring decal re-ordering.

16 – Appendix G – Add this appendix – Readiness waivers.

17 – Appendix H – Add this appendix – Engine Switching – **This policy already exists and is in use by the Department. It’s just being added as an appendix.**

**BEAR RIVER HEALTH DEPARTMENT**

**REGULATION NO. 2013-1**

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

DRAFT

Adopted by the Bear River Board of Health

May 9, 2013

*Updated on Date*

## 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

*\*Note – Table of contents page numbers will be updated with the cleaned up copy*

Appendix A	Fee Schedule
Appendix B	Emission Cutpoints
Appendix C	Penalty Schedule
Appendix D	Test Procedures
Appendix E	Technical Specifications and Calibration Gas
Appendix F	Readiness Waivers
Appendix G	Engine Switching

## 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;

**Alternative Fuel:** A fuel that is derived from resources other than petroleum. This includes but is not limited to: natural gas, propane, ethanol, and bio-diesel;

**Analyzer:** See Exhaust Emissions Gas Analyzer;

**Bi-fuel Vehicle:** A vehicle that has two separate fueling systems that enables the vehicle to run on one or the other (ex. Gasoline and natural gas). These vehicles may be switchable or non-switchable;

**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;

**Dual Fuel Vehicle:** See Flexible Fuel 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;

**Flexible Fuel Vehicle:** Also called **Flex-Fuel Vehicle**. A vehicle that is designed to run on more than one fuel, usually gasoline blended with ethanol (0-85%), and both fuels are stored in the same common tank;

**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;

**Rejection:** A condition where a vehicle subject to an OBD inspection has not met the Readiness requirements as set forth by this Regulation. The vehicle has not failed the inspection but it must be driven additional miles until Readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready;

**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 Certified Emissions Inspector logged in to the official testing portion of the test equipment did not perform the inspection;

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

4.2.910 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.

4.2.13 The I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

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 logged in to the official testing portion of the test equipment did not perform the inspection;

4.3.67 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.~~

4.3.8 The Certified Emissions Inspector employed at an I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

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. **Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 15 of this Regulation.**

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. **Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 15 of this Regulation.**

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 GVWR 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, a Rejection, or a failure. If a vehicle fails, or is rejected from an 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)~~ (a) Demonstration of skill in proper use, care, maintenance, calibration, and leak testing of the Certified Testing Equipment;
  - ~~(c)~~ (b) Demonstration of ability to conduct the inspection; and
  - ~~(d)~~ (c) 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 ~~non-diesel based Alternative Fuel natural-gas~~ powered ~~light duty (8,500 lbs or less) OBDII compliant~~ vehicles, ~~including Bi-Fuel vehicles~~, model year 1996 and newer, ~~with a GVWR 8,500 lbs or less~~, shall be tested as specified in Appendix D, OBDII Test Procedures, ~~unless specifically exempted by this Regulation.~~

9.4.2 All gasoline and ~~non-diesel based Alternative Fuel natural-gas~~ powered vehicles, ~~including Bi-Fuel vehicles~~, model year 1969 to 1995 ~~1995 and older~~ shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures, ~~unless specifically exempted by this Regulation.~~

9.4.3 All gasoline and ~~non-diesel based Alternative Fuel natural-gas~~ powered vehicles, ~~including Bi-Fuel vehicles~~, model year 1996 to 2007 with a GVWR greater than 8,500 lbs shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures, ~~unless specifically exempted by this Regulation.~~

9.4.4 All gasoline and ~~non-diesel based Alternative Fuel natural-gas~~ powered vehicles, ~~including Bi-Fuel vehicles~~, model year 2008 and newer with a GVWR greater than 8,500 lbs and ~~GVW~~ less than 14,000 ~~1~~ lbs shall be tested as specified in Appendix D, OBDII Test Procedures, ~~unless specifically exempted by this Regulation.~~

9.4.5 All gasoline and ~~non-diesel based Alternative Fuel natural-gas~~ powered vehicles, ~~including Bi-Fuel vehicles~~, model year 2008 and newer with a GVWR

greater than 14,000 lbs shall be tested as specified in Appendix D, Two-Speed Idle Test Procedures, **unless specifically exempted by this Regulation.**

9.4.6 All diesel **and diesel based Alternative Fuel** powered vehicles model year 1998 and newer **with a GVWR less than 14,001 lbs** shall be tested as specified in Appendix D, Diesel Test Procedures, **unless specifically exempted by this Regulation.**

## 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.~~ **The vehicle meets the requirements as specified in Appendix D.**

9.5.2 **If the vehicle is Rejected from the initial emissions inspection for failure to complete Readiness requirements, the owner/operator shall have fifteen calendar days in which to 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 was Rejected from the initial test shall meet the following conditions:**

9.5.2.1 **The vehicle is re-tested; and**

9.5.2.2 **The vehicle meets the requirements as specified in Appendix D.**

## 9.6 Certificate of Waiver

9.6.1 A Certificate of Waiver may be issued for 1969 to ~~1989~~ **1995** 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, the Department may use reference material to identify the air pollution control devices required for the vehicle. The gas tank cap shall be in place. ~~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;~~

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

9.6.32.1 Air pollution control devices identified in the emission decal are in place and operable on the vehicle. If the decal is missing, the Department may use reference material to identify the air pollution control devices required for 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.~~32~~.2 The vehicle continues to exceed applicable cutpoint standards after \$200.00 of acceptable emissions related repairs have been performed, ~~if the vehicle is subject to a Two-Speed Idle Inspection. If the vehicle is subject to an OBD Inspection, the vehicle continues to fail the inspection after \$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.~~32~~.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; ~~and~~

9.6.2.4 A vehicle that is rejected from the OBD Inspection may qualify for a waiver if it meets requirements set forth in Appendix F.

9.6.43 As used in Sections 9.6.1, ~~9.6.2~~, and 9.6.~~32~~, acceptable emissions related repairs:

9.6.43.1 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;

9.6.43.2 May include adjustments, maintenance, or repairs performed up to 60 days prior to the official emissions test, provided appropriate documentation is supplied to the Department; ~~Does not include adjustments, maintenance, or repairs performed prior to the official emissions test;~~

Diagnostic work performed, including Diagnostic Trouble Codes if applicable, must be properly documented to justify any repairs performed;

- 9.6.43.3 Does not include the fee paid for the test;
- 9.6.43.4 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;
- 9.6.43.5 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution;
- 9.6.43.6 Refers to repairs, maintenance, and diagnostic evaluations done in accordance with manufacturer's specifications, to the extent that the purpose is to reduce emissions;
- 9.6.3.7 Repairs performed on OBD compliant vehicles should be directly related to the diagnostic trouble codes identified by the vehicle and by further diagnostic tests on the vehicle;
- 9.6.3.8 Does not include parts replaced on OBD compliant vehicles that cannot be justified through diagnostic trouble codes or further diagnostic tests on the vehicle.

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

9.6.65 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.

9.6.76 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.

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

9.6.8 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a waiver.

## 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.

10.3 The Department shall adhere to the policies listed in Appendix G to ensure vehicles with switched engines are inspected appropriately.

## 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 or vendor controlled portions of an approved test equipment without approval by the Department and/or vendor.

### 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 a biennial **Two-Speed Idle Test 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 AC 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 \_\_\_\_\_ as adopted by the Bear River Board of Health.

DRAFT

## 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

~~1969-1978 AND OLDER~~ LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS  
1979 ~~AND NEWER~~ LIGHT DUTY 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>
<del>1968-1969</del>	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

~~1969-1978 AND OLDER~~ 6,001 AND OVER GVWR  
1979-~~2007 AND NEWER~~ OVER 8,500 GVWR  
~~2008 AND NEWER OVER 14,000 GVWR~~

#### MAXIMUM CONCENTRATION STANDARDS

<del>1968-1969</del>	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981- <del>2007 and newer</del>	3.5	800
<del>2008 and newer</del>	<del>3.5</del>	<del>800</del>

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."

DRAFT

## APPENDIX C – PENALTY SCHEDULE

<b>Violation</b> (resets after 2 years of no similar violations unless revoked)	<b>1<sup>st</sup> Occurrence</b>	<b>2<sup>nd</sup> Occurrence</b>	<b>3<sup>rd</sup> Occurrence</b>	<b>4<sup>th</sup> Occurrence</b>
<b>Failure to inspect or substituting a vehicle other than the vehicle on the test record – Registering a failing vehicle</b> <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	
<b>Passing a failing vehicle or recording pass for tampering on a tampered vehicle</b> <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
<b>Falsifying an inspection record or emissions certificate or Failing a passing vehicle</b> <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	
<b>Non-certified person performing test – Using another inspector’s access</b> <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	
<b>Inaccurate or incomplete data entry</b> <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
<b>Failure to follow proper test procedures – Other regulation violations</b> <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

DRAFT

## 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.

- 6.1 A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420 – P0439) must have the catalyst monitor set to “ready” upon re-inspection.
- 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 vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- ~~9.0~~10.0A 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 vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 12.3.0 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.
- 14.0 Switchable Bi-Fuel vehicles shall be tested on both fuels. The software will require two separate tests for these vehicles.

DRAFT

## Diesel Powered Vehicles Test Procedures

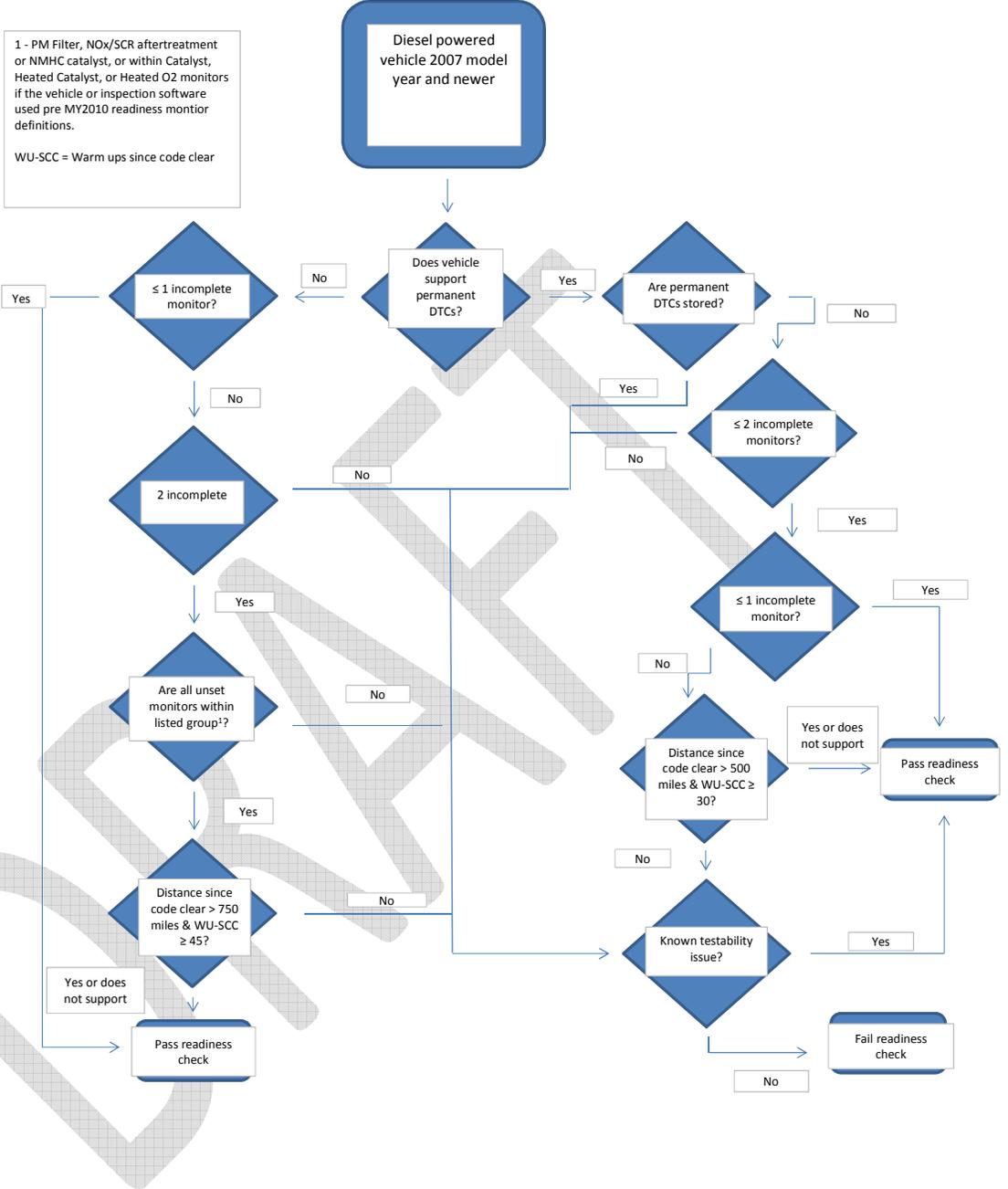
- 1.0 All diesel powered vehicles 2007 and newer, **less than 14,001 lbs GVWR**, shall be tested in accordance with the following procedure:
  - 1.1 Locate the Diagnostic Link Connector (DLC) on the vehicle being tested. Connect the vehicle to the test equipment.
    - 1.1.1 If the DLC is missing, has 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.
    - 1.6.1 **A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420 – P0439) must have the catalyst monitor set to “ready” upon re-inspection.**
  - 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, less than 14,001 lbs GVWR, 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, the I/M Program Station and/or the Certified Emissions Inspector may use reference material as approved by the Department to identify the air pollution control devices required for the vehicle.
- ~~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 vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 2.45 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.

DRAFT

### Diesel Readiness Check Flowchart



## Appendix F – Waivers for “Not Ready” Vehicles

A vehicle owner may be eligible for a waiver when their vehicle is “Not Ready” and the following conditions are met:

- 1 – The vehicle is not subject to a modified OBDII test because of OBD deficiencies.
- 2 – The vehicle has an official test performed showing a Not Ready status. The MIL is functioning properly and is not commanded on. No pending codes are stored on the vehicle computer.
- 3 – A second inspection has been performed showing the following:
  - a. Readiness monitors have not changed from Not Ready to Ready.
  - b. The test dates are separated by at least 7 days and the vehicle has traveled a minimum of 200 miles.
  - c. The MIL is functioning properly and is not commanded on. No pending codes are stored on the vehicle computer.
  - d. A statement is included from a repair station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 4 – A third inspection has been performed by a second station showing the following:
  - a. Readiness monitors have not changed from Not Ready to Ready.
  - b. The initial and third test dates are separated by at least 14 days and the vehicle has travelled a minimum of 400 miles.
  - c. The MIL is functioning properly and is not commanded on. No pending codes are stored on the vehicle computer.
  - d. A statement is included from a second station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 5 – At least one of the statements must come from the vehicle manufacturer’s dealership repair service. This statement must indicate that the appropriate drive cycles and diagnostics have been performed and the vehicle will not reach a Ready status.

## Appendix G – Engine Switching

Bear River Health Department Regulation 2013-1 states:

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

- 1 – Engine switching, if not done in accordance with EPA policy, is tampering.
- 2 – A tampering inspection is not a component of the Cache County Emissions Program, except for 1998-2006 diesel vehicles and for any vehicle that applies for a waiver.
- 3 – Engine switching shall be treated as follows:

### Gas engine to gas engine –

1995 and older vehicles – The vehicle must meet the cutpoint standards for the chassis model year and have a gas cap present.

1996 and newer vehicles (8,500 lbs or less) – The vehicle must pass the OBD test.

1996 – 2007 vehicles (greater than 8,500 lbs) – The vehicle must meet the cutpoint standards for the chassis model year and have a gas cap present.

2008 and newer vehicles (greater than 8,500 lbs and less than 14,000 lbs) – The vehicle must pass the OBD test.

2008 and newer vehicles (greater than 14,000 lbs) – The vehicle must meet the cutpoint standards for the chassis model year and have a gas cap present.

### Diesel engine to diesel engine –

1997 and older vehicles – These vehicles are exempt from testing requirements.

Vehicles greater than 14,000 lbs – These vehicles are exempt from testing requirements.

1998 – 2006 vehicles (less than 14,000 lbs) – These vehicles must have a visual inspection. All emissions control devices required for the **engine** must be in place.

2007 and newer vehicles (less than 14,000 lbs) – The vehicle must pass the OBD test.

### Gas engine to diesel engine –

**\*DO NOT perform a two-speed idle test on these vehicles!**

1997 and older **engine** – The I/M Program Station will send the vehicle to the Vehicle Technical Center where it will be issued an exemption.

1998 – 2006 **engine** –The I/M Program Station will call the Vehicle Technical Center for guidance. The vehicle must have all emissions control devices required for the engine.

2007 and newer engine – The I/M Program Station will call the Vehicle Technical Center for guidance. The vehicle must have all emissions control devices required for the engine.

Diesel engine to gas engine –

1997 and older vehicle – These vehicles will likely be registered as diesel vehicle and will be exempt from testing requirements.

1998 – 2006 vehicles – The I/M Program Station will call the Vehicle Technical Center for guidance. The vehicle will undergo a TSI test and must meet the cutpoint standards for the engine model year and have a gas cap present.

2007 and newer vehicles – The I/M Program Station will call the Vehicle Technical Center for guidance. The vehicle will undergo a TSI test and must meet the cutpoint standards for the engine model year and have a gas cap present.

DRAFT