



State of Oregon Department of Environmental Quality

Oregon Environmental Quality Commission meeting

Nov. 19-20, 2020

Rulemaking, Action Item B Vehicle Inspection Program Updates

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DEQ Recommendation to EQC

DEQ recommends that the Environmental Quality Commission:

- Find that in accordance with ORS 468A.400, the Vehicle Inspection program, including the proposed 2020 fee increase, is the most cost effective program consistent with Clean Air Act requirements.
- Adopt the proposed rules seen on pages 34 through 92 as part of chapter 340 of the Oregon Administrative Rules; and
- Approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and
- Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Language of Proposed EQC Motion:

"I move that the Environmental Quality Commission find that, in accordance with ORS 468A.400, the Vehicle Inspection program, including the proposed 2020 fee increase, is the most cost effective program consistent with Clean Air Act requirements; adopt the proposed rules as seen in pages 34 through 92 of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules; approve incorporating these rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040; and direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval."

Overview

Short Summary

DEQ's Vehicle Inspection Program reduces air pollution and helps Oregon comply with national air quality standards by requiring that motorists in the Portland and Medford areas maintain their vehicles' emission control systems. A motorist residing in these areas must obtain a certificate of compliance before they may renew their vehicle registration. The Portland vehicle inspection area has six testing stations that tested more than 1,000,000 vehicles in the last biennium, about one-third of the registered vehicles in Oregon. DEQ inspects light- and heavy-duty gasoline vehicles with model years between 1975 and 2016 in Portland and 2000 and 2016 in Medford (the five most recent model year cars are exempted). DEQ inspects 1996 and newer diesel vehicles up to 8,500 pounds. About 100 DEQ staff support all VIP functions, including vehicle inspection, administration and management, customer support, equipment and facility operations.

VIP procedures and fees are set in Oregon Administrative Rules. As vehicle fleet characteristics change and VIP incorporates new technology, DEQ must revise and update rules. VIP program expenses have been increasing over the past several biennia and DEQ must increase the certification fee to maintain current staffing and customer service levels.

DEQ is proposing to:

- Remove references to procedures no longer performed, such as the enhanced dynamometer emissions test and noise control testing;
- Include references, definitions and procedures to align rules with current program operations;
- Improve clarity by using plain language where possible; and
- Raise the certification fee to the following amounts to bring program revenue in line with current and projected program expenditures:

Portland Vehicle Inspection Area: \$25

Medford Vehicle Inspection Area: \$15; \$20 effective July 1, 2021

On-site Testing Auto Dealerships: \$30

The Environmental Quality Commission increased program fees by a temporary rule in May 2020, to \$25 in Portland, \$15 in Medford, and \$30 for dealerships, each effective on June 1, 2020. That temporary rule expires Nov. 27, 2020. Before the June 2020 temporary fee increase, the fee in the Portland area was \$21, in Medford, \$10, and for dealerships, \$26. The last time DEQ had increased the fee for a certificate of compliance was in 1997.

Other than continuing and making permanent the fee increase, most proposed rule revisions in this rulemaking would remove descriptions of procedures no longer performed and the standards that were associated with those procedures. These rule deletions are listed in the table titled Rules Repealed, later in this staff report. The table titled Rules Amended lists those rules in which DEQ has proposed clarifying or updating language.

VIP helps Oregon maintain compliance with national air quality standards for pollutants, such as ozone, nitrogen oxides, carbon monoxide and fine particles. VIP also reduces tons of air toxic pollutants each year, like benzene, ethylbenzene and acetaldehyde. In 2015, EPA lowered the ozone standard from 75 parts per billion to 70 parts per billion and considered values as low as 60 ppb. Vehicle miles traveled and population in Oregon are expected to increase over the next several years, both of which are likely to increase vehicle emissions. As well, expected hotter summer temperatures and more wildfires may cause ozone concentrations to approach or exceed the current standard. VIP is one of several pollution control strategies, including industrial emission controls, which collectively make up Oregon's EPA-approved State Implementation Plan. With EQC adoption of the revised rules, the actions proposed in this rulemaking will be incorporated into and made part of the Oregon SIP.

Program Background

When Oregon began implementing requirements of the Clean Air Act, in the 1970s and 1980s, air quality in the Portland and Medford areas of the state did not meet federal standards for ozone and carbon monoxide. DEQ had to develop plans to reduce these pollutants. Once the areas were attaining standards, DEQ had to submit plans to EPA that described how Oregon's pollution control strategies would allow the Portland and Medford areas to maintain compliance with air quality standards.

The vehicle inspection program which began in Portland in 1975 and Medford in 1986, is an important pollution control strategy in both the Portland and Medford maintenance plans. VIP requires motorists to maintain and repair their vehicles' emission control systems before they can renew their vehicle registration. DEQ established vehicle inspection boundaries based on previously established Portland and Medford air quality maintenance areas, census data and commuter patterns. DEQ expanded the Portland area vehicle inspection boundary in 1994 to include areas within Washington, Clackamas, Columbia and Yamhill Counties based on updated information.

Between 1996 and 2006, in Portland, DEQ tested vehicles with an enhanced test that used dynamometers to simulate loaded driving conditions and allowed the Portland area to achieve greater emission reductions. To have funds for the construction, equipment and staffing necessary to run the enhanced dynamometer program in 1997, DEQ raised the fee for a certificate of compliance to \$21 in Portland. Beginning in 1996, vehicles became equipped with onboard diagnostic systems able to precisely indicate faulty elements of a pollution control system. As OBD testing became standard for a larger percentage of the fleet and relatively fewer vehicles aged 1981 to 1995 came in for testing, DEQ phased out enhanced dynamometer testing. When the dynamometer test ended, DEQ reduced VIP staffing and removed dynamometer equipment.

Over the last 12 years, DEQ VIP staff have performed more tests each year, while reducing the average customer wait times. In the Portland and Medford vehicle inspection areas combined, DEQ inspects about one-third of cars registered in Oregon. DEQ VIP has also invested in new technology to increase efficiency, reduce operating costs and improve customer service.

Revenue met program expenses until 2015. Since that time, even with technological advances and careful spending that allowed VIP to accrue ending balances, VIP had to eliminate seven full time equivalent positions in 2017 to attain a balanced budget. With these proposed rule revisions, DEQ is proposing to increase the fee for a certificate of compliance to \$25 in the Portland inspection area and to \$20 in the Medford inspection area, and to \$30 for auto dealerships. The proposed fee increase would allow DEQ to maintain the temporary fee increase that became effective on June 1, 2020, work toward restoring VIP staffing and maintain customer service levels. DEQ projects that the proposed fee increase would balance program revenue and expenses through the 2023- 2025 biennium.

Regulated parties

DEQ implements the vehicle inspection program and the rules contained in Division 256 – Motor Vehicles - apply to and regulate DEQ. These rules also apply to:

- Motorists, public agencies and businesses with vehicles registered in Oregon;
- Businesses that participate in DEQ's mobile on-site testing program;
- Public and private fleet owners and their employees who test and certify vehicle emission systems;
- Motorists and businesses that use VIP testing stations or remote testing to obtain certificates of compliance required before renewing vehicle registration.

The proposed amendment of Oregon Administrative Rule 340-200-0040 to incorporate these revisions into the State of Oregon Clean Air Act Implementation Plan does not change the regulated parties.

Public Involvement

DEQ convened an advisory committee that met on Sept. 3, 2020. The advisory committee evaluated the fiscal impact of the proposed rule changes.

DEQ held one public hearing, by teleconference due to the COVID19 pandemic, on Oct. 23, 2020. One person attended the public hearing.

DEQ opened a public comment period on Sept. 23, 2020. The comment period extended until 4 p.m. Oct. 27, 2020. DEQ received comments from nine individuals. Three commenters supported the rule revisions and fee increase. Six commenters did not oppose the fee increase but felt that certificates issued through remote testing should cost less than those issued at testing stations.

Summary of Fiscal Impact

The EQC passed a temporary fee increase of \$4 biennially in the Portland area and \$5 biennially in the Medford area, effective June 1, 2020. The fiscal impact of making that fee increase permanent would be that the cost of each certificate of compliance, including those issued at emission test stations and those issued through self-service and remote procedures in the

Portland areas will continue to be \$25 every two years for individual motorists and \$30 for on-site mobile testing. The cost of each certificate of compliance, including those issued at emission test stations and those issued through self-service and remote procedures in the Medford-Ashland Vehicle Inspection area will continue to be \$15 every two years and increase to \$20 every two years on July 1, 2021.

DEQ undertook this fee increase and rulemaking in 2019 and had convened a fiscal advisory committee in October 2018. During that rulemaking, DEQ considered stakeholder input that a biannual VIP Medford fee over \$20 could be considered a hardship. DEQ will continue to assess the need and explore opportunities for further adjustments to fees that sustain the program.

As part of the 2019 rulemaking, and at the request the Legislative Fiscal Office, DEQ completed a cost effectiveness analysis to address questions raised during Legislative session. The analysis is attached to this staff report.

Statement of Need

What need would the proposed rule address?

Descriptions of VIP test methods, criteria and standards in Division 256 do not align with current operations and procedures and need to be updated. Beginning in the 2015 biennium, VIP program expenses exceeded revenue. The EQC increased program fees by a temporary rule in May 2020, but that temporary rule expires on Nov. 27, 2020. DEQ must permanently increase the certification fee to restore staffing and maintain customer service levels.

How would the proposed rule address the need?

The proposed rule revisions would update descriptions of VIP test methods, criteria and standards in Division 256 to align with current operations and procedures. The proposed fee increase would allow DEQ to maintain the temporary fee increase that became effective on June 1, 2020, restore VIP staffing and maintain customer service levels.

How will DEQ know the rule addressed the need?

If the rule revisions are adopted by the Environmental Quality Commission in November 2020, the VIP fee in the Portland area would continue to be \$25 every two years for individual motorists and \$30 for on-site mobile testing. In the Medford area, the fee would continue to be \$15 every two years and increase to \$20 every two years on July 1, 2021. A balanced VIP biennial budget will indicate that the rule revisions met DEQ's fiscal need. If EQC adopts the proposed rule revisions, DEQ will also consider the need for program procedural updates met.

Rules Affected, Authorities, Supporting Documents

Lead division

Air Quality

Program or activity

Air Quality Planning

Chapter 340 action

Amend				
340-256-0010	340-256-0100	340-256-0110	340-256-0130	340-256-0140
340-256-0150	340-256-0160	340-256-0200	340-256-0210	340-256-0220
340-256-0300	340-256-0310	340-256-0320	340-256-0330	340-256-0340
340-256-0355	340-256-0356	340-256-0357	340-256-0358	340-256-0370
340-256-0380	340-256-0390	340-256-0400	340-256-0420	340-256-0440
340-256-0450	340-256-0465	340-200-0040	340-256-0470	
Repeal				
340-256-0120	340-256-0350	340-256-0360	340-256-0410	340-256-0430
340-256-0460				

Statutory Authority – ORS				
468.020	468.065	467.030	468A.010	468A.015
468A.360	468A.363	468A.380	468A.390	468A.400
815	468	468A		

Statutes Implemented – ORS				
467.030	468A.350	468A.360	468A.363	468A.365
468A.370	468A.375	468A.380	468A.385	468A.387
468A.390	468A.395	468A.400	468A.420	468.020

Documents relied on for rulemaking

Document title	Document location
VIP expense and revenue projections	DEQ Headquarters, 700 NE Multnomah St., Ste. 600, Portland, OR 97232
Fee increase calculations	DEQ Headquarters, 700 NE Multnomah St., Ste. 600, Portland, OR 97232
VIP Policy and Procedure Documents	DEQ VIP Technical Center, 1240 SE Salmon St., Portland, OR 97205

Fee Analysis

The Oregon Environmental Quality Commission approval of this rule proposal would increase existing fees. EQC authority to act on the proposed fees is ORS 468A.400.

Brief description of proposed fees

The cost of each certificate of compliance, including those issued at emission test stations and those issued through self-service and remote procedures increased by \$4, from \$21 to \$25 in the Portland Vehicle Inspection area and by \$5, (from \$10 to \$15) in the Medford-Ashland Vehicle Inspection Area on June 1, 2020, through a temporary rulemaking. The VIP 2020 Fee Increase and Update rulemaking would maintain the June 1, 2020, fee increases and also institute a \$5 increase, from \$15 to \$20, in the Medford-Ashland Vehicle Inspection Area on July 1, 2021.

Similarly, the cost of each Certificate of Compliance issued for on-site testing to an automobile dealership increased \$4, from \$26 to \$30 on June 1, 2020, through a temporary rulemaking. The VIP 2020 Fee Increase and Update rulemaking would also maintain the June 1, 2020, fee increases for on-site dealership testing.

Reasons

The proposed fees would address increased program costs. DEQ must raise fees to maintain support for the Vehicle Inspection Program. Oregon's vehicle inspection and maintenance program, VIP, is a fundamental pollution reduction strategy in DEQ's Clean Air Act required State Implementation Plan. Program expenses have been increasing over the past several biennia because of personnel costs such as cost of living increases, employees' step progression within a salary range, health insurance and other benefits. Program expenses began to exceed program revenue in the 2013 – 2015 biennium. Before the June 2020 temporary rulemaking, DEQ had not raised the fee for a certificate of compliance since 1997.

Through June 2015, the program had been able to continue to cover expenses, in spite of revenue shortfalls, by using technological advancements, efficiency gains and ending balances from previous biennia. To attain balanced budgets in the 2015-2017 and 2019-2021 biennia, the program cut seven and eight full-time equivalent positions, respectively. DEQ expects the proposed fee increase to sustain the program without losing additional FTE through June 30, 2025.

Fee proposal alternatives considered

An alternative to raising the fee is further reducing full-time equivalent positions working in VIP. Further reducing positions would have adverse impacts on service delivery, including customer service, increased wait times, reduced ability to respond to public inquiries and reduced technical support for a variety of testing approaches in place. Collectively, the impacts undermine the ability for DEQ to operate a cost-effective Vehicle Inspection Program and protect public health and the environment from vehicle pollution.

Fee payers

Fee payers affected by these proposed rule revisions and fee increase are motorists, businesses that own vehicles, and auto dealerships participating on-site testing. Private business and public agency fleets pay a fee for each certificate of compliance and a licensing fee, but DEQ is not proposing to revise rules pertaining to private and public agency fleet fees.

Affected party involvement in fee-setting process

DEQ convened an advisory committee of affected parties to assist DEQ in evaluating the fiscal impacts of the increased fees.

Summary of impacts

Motorists whose cars are registered in the Portland Vehicle Inspection area will continue to pay a \$25 fee every two years for a certificate of compliance. Before the temporary fee increase adopted in May 2020, this fee was \$21.

Motorists whose cars are registered in the Medford Vehicle Inspection area will continue to pay a \$15 fee every two years for a certificate of compliance through June 2021. The Medford-area fee will increase to \$20 every two years on July 1, 2021. Before the temporary fee increase adopted in May 2020, Medford-area motorists paid a \$10 fee every two years.

Auto dealerships in the Portland Vehicle Inspection areas participating in on-site testing will continue to pay \$5 more than the Portland area fee for a certificate of compliance, for a total fee of \$30. Before the temporary fee increase adopted in May 2020, auto dealerships participating in on-site testing paid a \$26 fee.

Fee payer agreement with fee proposal

DEQ did not ask fee payers and other stakeholders to agree with the proposal, but considered advisory committee input in developing the proposed rule revisions. DEQ has considered comments received during the public comment period in developing final rule revisions presented to the Environmental Quality Commission.

How long will the current fee sustain the program?

The fee in place before the June 2020 temporary rulemaking sustained the program through June 30, 2019. Although, as noted earlier in this document, DEQ began experiencing revenue shortfalls in the 2015 – 2017 budget. DEQ has also relied on technological advancements, efficiency gains, ending balances and FTE reductions to attain balanced budgets.

Current Fees		
Program costs covered by fees	\$23,817,909	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	1997	

Table note: From 2019-2021 Legislatively Adopted Budget.

Proposed Fees		
Expected change in revenue (+/-)	\$2,244,092	9.8%
Example effective date used in calculations	June 1, 2020	

Table note: Effect on 2019-2021 Legislatively Adopted Budget.

Transactions and Revenue			
Biennium	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
Current biennium	1,136,738	\$2,244,092	\$25,019,918
Next biennium	1,136,734	\$4,488,184	\$27,264,000

Table note: Fee payer estimates are based on DMV's projections of registered vehicles due for renewal in the Portland and Medford vehicle inspection areas.

Fee schedule

Cost for a certificate of compliance would increase to these maximum amounts and according to the following schedule:

Portland Vehicle Inspection Area

\$25 (maintain the June 1, 2020, temporary fee increase)

Medford Vehicle Inspection Area

\$15 (maintain the June 1, 2020, temporary fee increase)

\$20 effective July 1, 2021

On-site Testing Auto Dealerships

\$30 (maintain the June 1, 2020, temporary fee increase)

Cost Effectiveness Study

DEQ completed a cost effectiveness analysis in preparation for the proposed fee increase. A core element of this analysis was a review of data collected by the National OBD Clearinghouse established by the National Center for Automotive Science and Technology at Weber State University. DEQ evaluated 38 programs nationwide by considering program characteristics and performance information such as program type, annual tests performed, test fees and testing frequency. DEQ also conducted a survey of like programs through the national IM Solutions Forum. DEQ's analysis indicates that the Oregon Vehicle Inspection Program fee is among the lowest fees in the nation. With that fee, Oregon VIP also provides customer conveniences that other programs do not – such as self-service lanes and remote testing. DEQ's Cost Effectiveness Analysis is attached to this staff report.

Statement of Fiscal and Economic Impact

Fiscal and Economic Impact

Increasing fees for vehicle inspection certificates of compliance would benefit DEQ through increased financial support for the Vehicle Inspection Program. The fee change will increase costs for entities that must obtain a certificate of compliance for their vehicles.

Statement of Cost of Compliance

State agencies

DEQ will benefit from this fee increase by maintaining financial support for the Vehicle Inspection Program. DEQ will be able to maintain staffing levels that support good customer service.

This fee increase will not directly affect other state or federal agencies because DEQ is not proposing to increase the allowable maximum certificate of compliance fee for public agency fleets. DEQ is not proposing to increase the cost of a license issued to a public agency fleet vehicle inspector.

The State Department of Transportation, Division of Motor Vehicles will benefit from the proposed fee increase. Currently, DEQ completes vehicle registration renewals on DMV's behalf for approximately 60 percent of vehicles registered within DEQ testing areas. DEQ's ability to continue this service is contingent on stable funding and greatly reduces the volume of visits at DMV field offices.

Local governments

For local governments, the fee increase will have no effect because DEQ is not proposing to increase the allowable maximum certificate of compliance fee for public agency fleets. DEQ is not proposing to increase the cost of a license issued to a public agency fleet vehicle inspector.

Public

Continuing the increased cost of a certificate of compliance will affect members of the public and businesses whose vehicles are registered in the Portland and Medford vehicle inspection areas. Entities with vehicles registered in the Portland vehicle inspection area will continue to pay \$25 every two years for a certificate of compliance. Entities with vehicles registered in the Medford vehicle inspection area will continue to pay \$15 every two years until July 1, 2021, after which Medford motorists will pay \$20 every two years.

DEQ does not have data to estimate the fiscal impact on an individual member of the public, but acknowledges that the VIP fee increase may have a greater impact on certain populations. DEQ

reviewed demographic information available through U.S. EPA's EJ Screen tool.¹ DEQ reviewed EJ Screen standard reports² from areas within a seven-mile radius of the seven VIP Clean Air Stations. DEQ assembled demographic excerpts³ from those reports in the following table.

7 mile radius from	% low income	% minority	% linguistically isolated	% over age 64
Northeast VIP Station	33	28	4	13
Sunset VIP Station	25	39	5	10
Gresham VIP Station	37	34	6	13
Sherwood VIP Station	20	23	3	14
Clackamas VIP Station	28	24	4	14
Scappoose VIP Station	20	9	1	18
Medford VIP Station	41	23	2	19

DEQ does not have data to estimate how an increased fee paid by on-site testing auto dealerships will affect the costs of vehicles. DEQ acknowledges a potential indirect impact on members of the public who purchase vehicles from auto dealerships that participate in mobile on-site testing.

Large businesses - businesses with more than 50 employees

Auto dealerships that participate in the VIP on-site testing program will continue to pay \$30 for each certificate of compliance. Approximately 35 dealerships currently participate in the VIP mobile on-site testing program and DEQ estimates fewer than five, if any, of the dealerships are large businesses.

Businesses that own vehicles in the Portland vehicle inspection area – but not licensed to complete vehicle inspection and maintenance testing as a private fleet - will continue to pay \$25 for each certificate of compliance.

Businesses that own vehicles in the Medford vehicle inspection area – but not licensed to complete vehicle inspection and maintenance testing as a private fleet - will continue to pay \$15 for each certificate of compliance and beginning July 1, 2021, will pay \$20 for each certificate of compliance.

Small businesses – businesses with 50 or fewer employees

DEQ expects that fiscal effects on small businesses will be similar to the impact on large businesses. According to the Oregon Secretary of State Office of Small Business Assistance, 98 percent of Oregon firms are small businesses and employ over half the state's workforce.

According to the 2018 Small Business Profile for Oregon, published by the U.S. Small Business Administration, small businesses (under the federal definition), provide:

¹ <https://ejscreen.epa.gov>

² <https://www.epa.gov/ejscreen/how-interpret-standard-report-ejscreen>

³ <https://www.epa.gov/ejscreen/overview-demographic-indicators-ejscreen>

- 59 to 64 percent of employment in Jackson County
- 34 to 59 percent of employment in Clackamas, Multnomah and Washington Counties.

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

Auto dealerships that participate in the VIP on-site testing program will continue to pay \$30 for each certificate of compliance. Approximately 35 dealerships currently participate in the VIP mobile on-site testing program and DEQ estimates most or all of those dealerships are small businesses.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

No additional activities are required to comply with the proposed rules. All businesses that participate in the mobile on-site testing already pay fees for each certificate of compliance.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

No additional resources are required for compliance with the proposed rules. All businesses that participate in the mobile on-site testing already pay fees for each certificate of compliance.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included small business representatives and representatives from auto dealer associations on the VIP Update Rulemaking Committee that advised DEQ on the cost of compliance for small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
2018 Small Business Profile for Oregon	U. S. Small Business Administration https://www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-OR.pdf
EPA EJ Screen Standard Reports	Reports saved in DEQ electronic files for VIP 2020 Fee Increase and Updates Rulemaking. To produce reports: https://ejscreen.epa.gov EJ Screen guidance and documentation: https://www.epa.gov/ejscreen/how-interpret-standard-report-ejscreen

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement and DEQ documented the committee summary and minutes dated Sept. 3, 2020. The committee found that:

- Vehicle inspection and maintenance provides air quality protection and helps Portland and Medford areas stay in attainment with federal air quality standards.
- The rule will have a fiscal impact by increasing the fee \$4 to \$10 every two years per vehicle for a certificate of compliance.
- The dollar amount of the fiscal impact is small but the breadth of the impact encompasses many individual motorists and businesses.
- Some members had the opinion that the fee increase was reasonable given the fee's price stability for the past 20 years and the benefits to public health.
- Businesses that incur the increased VIP fee, such as auto dealers and those owning vehicle fleets, will likely have to pass the cost on to consumers.
- DEQ should recognize that for a business all seemingly small fee increases add up and must either be absorbed or passed on to consumers.
- Some members suggested that encouraging motorists to use DEQ Too participating locations by charging a lower fee for certifications at DEQ Too locations would help those small businesses that have elected to participate in the DEQ Too program.
- Some members noted that DEQ runs VIP efficiently, effectively and at a lower cost than inspection and maintenance programs in many other states.

Three committee members stated the fee increase would have an adverse effect on small business, though not explicitly "significant." Only if the committee believed that significant adverse effects to small business would occur, does ORS 183.333 and 183.540 require the committee to consider how DEQ could reduce the rules' fiscal impact on small business by actions such as:

- Establishing differing compliance or reporting requirements or time tables for small business;

- Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;
- Utilizing objective criteria for standards;
- Exempting small businesses from any or all requirements of the rule; or
- Otherwise establishing less intrusive or less costly alternatives applicable to small business.

However, because some committee members stated the fee increase would have adverse effects on small business, DEQ asked the committee members how DEQ could mitigate those adverse effects. Committee members responded with the following suggestions:

- DEQ could have a lower fee for a certification issued through a DEQ Too provider, for example \$20 versus \$25. Some members suggested this incentive to customers would potentially bring more business into that private sector location, which is likely a small business.
- DEQ could help small business in Southern Oregon, where the minimum wage is lower, by providing customers the choice of going to a private business to have their car tested for less cost than at a DEQ station.
- Consider that many small businesses that are struggling in these difficult economic times may also have company vehicles that require certification.
- Exempt small business from the fee increase.

The purpose of the fee increase associated with this rulemaking is to bring VIP revenues in line with program operational expenses; currently VIP expenses exceed revenue and the program cut staff positions in 2019 in order to balance its budget. Making the June 2020 temporary fee increase permanent would allow VIP to eventually restore those positions and continue to provide high levels of customer service.

While different fee structures – such as lower fees for certificates issued through DEQ Too hosts or discounts to small businesses with fleets - was outside the scope of this rulemaking, DEQ may consider different fee structures in a future rulemaking. DEQ will continue to monitor VIP revenue and expenses, communicate the results and continue stakeholder discussions about modifying the fee structure if and when that becomes appropriate.

In the 2019 VIP rulemaking, DEQ considered input received from the 2018 fiscal advisory committee about a higher percentage of lower income households in the Medford area than the Portland metro area. In 2019, DEQ also considered the lower fee (\$10) that Medford motorists had been paying and the impact of the larger fee increase on those residents. For those reasons, DEQ modified its originally proposed fee increase to maximize at \$20 every two years in the Medford area, rather than \$25. DEQ continues to believe income disparities in the two regions is important and is proposing a slightly lower fee (\$20) in the Medford area than the Portland area, at least through the 2023 – 2025 biennium.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. A memo⁴ pertaining to a study conducted by the University of Oregon to support Oregon Department of Land Conservation and Development rulemaking describes the major factors influencing the cost of residential housing construction. Cost components include land, material and labor and regulatory costs such as permits, compliance with zoning requirements and system development charges.

DEQ determined the proposed rules would have no effect on housing development costs because the proposed rule is intended to fill a revenue shortfall in DEQ's Vehicle Inspection Program by increasing the fee for a certificate of compliance. DEQ would not expect the certification fee increase to affect the major cost components of residential construction such as cost of land, building materials, or labor. Nor would the fee increase affect the administration of permit or zoning regulations.

https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf⁴

Federal Relationship

Relationship to federal requirements

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules are not different from or in addition to federal requirements.

Land Use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

Advisory Committee

Background

DEQ convened the Vehicle Inspection Program Fee Increase and Updates 2020 advisory committee. The committee included representatives from small businesses, business associations, local government transportation and public health departments, environmental and public health advocacy organizations. The committee met once on Sept. 3, 2020. The committee's materials are posted on the rulemaking web page: [VIP Fee Increase and Updates 2020](#).

The committee members were:

VIP Fee Increase and Updates 2020 Advisory Committee	
Name	Representing
Margi Bradway	Metro
Terica Buckner	Hawthorne Auto Clinic
Mike Christopherson	Pro-Tek Automotive LLC
Nadège Dubuisson	Multnomah County Health Department
Morgan Gratz-Weiser	Oregon Environmental Council
Mary Peveto	Neighbors for Clean Air
Mike Quilty	Rogue Valley Metropolitan Planning Organization
Greg Remensperger	Oregon Auto Dealers Association
Diane Sparks	Oregon Independent Automobile Dealers Association

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - DEQ Public Notices
 - Vehicle Inspection Program Updates
- On Aug. 24, 2020, sent a one-time notice to 15,514 subscribers to the lists above to describe how to sign up for advisory committee meeting notices and people who signed up for the advisory committee bulletin.
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the outcomes described under the Statement of Fiscal and Economic Impact section above, the committee received presentations about VIP's relationship to national air quality standards; Portland and Medford Clean Air Act-required plans; VIP operations, administration and services; VIP's budget, expenses and program revenue; and 2019 and 2020 VIP fee increase and updates rulemaking history. DEQ posted an advisory committee meeting summary on the rulemaking website: [VIP Fee Increase and Updates 2020](#).

EQC Prior Involvement

DEQ shared information related to this rulemaking at the May 7, 2020, meeting of the commission. At that meeting, DEQ proposed a temporary rule to increase the fee for a VIP certification of compliance, which EQC adopted. The temporary rule will expire 180 days after its adoption. In November 2019, DEQ proposed rule revisions and a VIP fee increase nearly identical to this current rulemaking. The EQC adopted the 2019 VIP rule revisions and fee increase, but the DEQ considered the rules rescinded when the 2020 Oregon Legislature failed to ratify the fee increase contained in the DEQ budget due to a lack of Legislative quorum.

Public Engagement

Public Notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on Sept. 23, 2020 by:

- On Sept. 23, 2020 Filing notice with the Oregon Secretary of State for publication in the October 2020 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Vehicle Inspection Program Fee Increase and Updates 2020](#);
- Emailing approximately 15,983 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Vehicle Inspection Program Updates
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senate President Peter Courtney
 - Senator Jeff Golden
 - State Representative Karin Power
 - House Speaker Tina Kotek
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business. This document includes a summary of comments and DEQ responses.

Public Hearing

DEQ held one public hearing, listed in the table below. DEQ received no comments at the hearing. Later sections of this document include a summary of the comments received during the open public comment period, DEQ's responses, and a list of the commenters. Original comments are on file with DEQ.

Hearing 1	
Date	Friday, Oct. 23, 2020
Time	6 p.m.
Location	Virtual hearing due to coronavirus pandemic
Presiding Officer	Karen Williams
Staff Presenter	Karen Williams
Call-in Phone Number	888 475 4499
Passcode	204316
Webinar Link	Zoom Meeting Link Meeting ID: 967 7375 5973
Instructions on how to join an online DEQ meeting	Webinar instructions

Presiding Officers' Record

Hearing 1

Date: Oct. 23, 2020

Place: Virtual hearing accessible by web and phone with Zoom

Start Time: 6 p.m.

Ending Time: 6:30 p.m.

Presiding Officer: Karen Williams

DEQ Staff: Karen Williams and Mike Skorupka

The presiding officer and DEQ staff opened the webinar at approximately 6 p.m. One person attended the public hearing but did not wish to present oral testimony. DEQ delivered an informational presentation about the rulemaking and announced how to submit written comments by 4 p.m. Oct. 27, 2020.

Public comment period

DEQ accepted public comment on the proposed rulemaking from Sept. 23, 2020, until 4 p.m. on Tuesday, Oct. 27, 2020.

Summary of Public Comments and DEQ Responses

For comments received by the close of the public comment period, the following table lists comment summaries, each with a commenter number. DEQ's response to each comment follows the summary table. Original comments are on file with DEQ. DEQ did not change the proposed rules in response to comments.

List of Comments		
Comment #	Comment Summary	Commenter Number
1	Encourages EQC to approve rule amendments; modest fee increase would ensure program stability; it is timely for the state to increase charges commensurate with the costs of the program and benefits an efficient and effective vehicle inspection program provides; evaluate and share findings to ensure rule amendment intents and effective inspections boundaries.	1, 8, 9
2	VIP is important for reducing ozone precursors and air toxics such as volatile organics, nitrogen oxides and particulate matter; diseases related to air pollution include asthma, Alzheimer's, lung cancer, chronic obstructive pulmonary disease, diabetes, and heart disease; the greatest sources of health risk from air toxics come from cars and trucks and secondary pollutants, like ozone; VIP is key pollution control strategy for compliance with federal air quality standards; in 2018 ozone in Multnomah County exceeded the national standard; urge DEQ to continue to commit and prioritize reducing diesel emissions (such as including heavy duty diesel emissions testing) and other ozone reducing actions.	1,8
3	People of color and low income individuals are more likely to be exposed to vehicle pollution and air pollution.	1,8
4	Understand DEQ's need to raise fee to cover personnel costs but there is no need to increase the fee at locations where testing is done remotely; DEQ should designate public/private partnerships, such as the DEQ Too program in rule and establish a separate and lower fee for testing done through DEQ Too; DEQ charges a different, cost-based fee for auto dealership testing (\$30) and for private fleet testing (\$10) and DEQ should pass on its savings to vehicle owners that use DEQ Too testing.	2, 3, 4, 5, 6, 7
5	Disputes information DEQ has provided regarding DEQ Too and Vehicle Inspection Program costs; DEQ is not raising its fees equitably if it has lower fee in Medford but does not have lower fee for tests performed through DEQ Too providers.	7

6	Objection to the public hearing held after 5 p.m. on Friday as this is a time few people are likely to participate.	7
7	Transportation sector is the largest emitter of regulated greenhouse gases in the state; inefficient vehicles are major emitters of toxic pollutants and greenhouse gases; climate-driven meteorological changes will yield favorable conditions for ozone formation.	8, 9

Comment 1: DEQ Response

DEQ projects that the certification fee increase of \$4 (in Portland) and \$10 (in Medford) every two years will increase program revenue enough to sustain the program through the 2023 – 25 biennium and work toward restoring staffing levels to program FTE at the end of the 2017 – 19 biennium.

The Vehicle Inspection Program produces an annual report to EPA demonstrating the program's compliance with federal requirements. Vehicle Inspection Program Technical Center staff and management coordinate with Air Quality Division budget and policy analysts to track program revenue and expenses. The program is currently compiling a report describing some of the particular challenges and innovations for 2020, including staffing adjustments, station closures due to the pandemic, safe reopening for employees and the public, and closures due to wildfires and hazardous air quality.

Comment 2: DEQ Response

In a 2019 report⁵, DEQ documented that VIP reduces ozone forming pollutants and air toxics from mobile sources up to 20 percent in Portland and up to eight percent in Medford.

DEQ is implementing several aspects of House Bill 2007, which the Oregon Legislature passed in 2019, targeting diesel emission reductions in Clackamas, Washington and Multnomah Counties. Related to VIP, the statute prohibits registering and titling older diesel engines in the tri-county areas after certain deadlines. Registration and retrofit requirements begin to apply Jan. 1, 2023, and phase-in through 2029. After phase-out deadlines, a vehicle must be equipped with DEQ/EQC-certified retrofit technology. DEQ, through VIP, is in the process of rulemaking to establish criteria for certification of approved retrofit technologies.

Comment 3: DEQ Response

An analysis DEQ completed in 2012⁶ documents that people of color⁷ and people with lower incomes experience a disproportionate exposure to mobile sources of toxic air pollutants. DEQ continues to refer to EPA's EJ Screen as a preliminary tool to

⁵ Portland Medford SIP-VIP Updates Project - Emission Inventory Demonstration for Air Toxics and Ozone Precursors. Available on 10/21/20 here:

<https://www.oregon.gov/deq/FilterDocs/EmissionInventoryDemo2019.pdf>, pp. 42.

⁶ Portland Air Toxics Solutions Committee Report and Recommendations, Chapter 8 and Appendix 10.14. Available on 10/21/20 here: <https://www.oregon.gov/deq/FilterDocs/PATS2012.pdf>, pp. 165 – 184, 250.

⁷ Defined in PATS Report, note 3, as all people not selecting non-Latino white in the 2010 census.

better understand how DEQ policies and regulations may affect populations and communities disproportionately exposed to environmental pollution.

Comment 4: DEQ Response

The scope of this rulemaking included revisions to remove references to procedures no longer performed; to align rules with current program operations; to improve clarity by using plain language; and to raise the certification fee to bring program revenue in line with current and projected program expenditures. Creating new or additional fee categories was not in the scope of this rulemaking.

DEQ charges a fee only for issuing a certificate of compliance when a vehicle passes an emission test, not for the test itself. DEQ does not charge any fee if a motorist wishes to voluntarily test their vehicle and does not require a certificate of compliance. For tests performed remotely at DEQ Too testing locations, DEQ resources are still required to provide those motorists certificates of compliance. Vehicle Inspection Program costs include not only personnel time to administer emissions tests, but development and maintenance of services like self-serve and remote tests, technical assistance, auditing, coordination with DMV and program management.

Private and public fleets whose employees test and certify their own vehicles pay a certification fee of \$10. The lower fee for licensed public and private fleets recognizes that these entities are trained and licensed not only to perform the emission tests but to execute certificates of compliance. Licensed fleets must employ full time vehicle inspectors. OAR 340-256-0440 specifies the training, testing, compliance and enforcement criteria applicable to public and private fleet inspectors.

Comment 5: DEQ Response

The purpose of the fee increase proposed in this rulemaking is to bring VIP revenue in line with current and projected program expenditures. Creating new or additional fee categories was not in the scope of this rulemaking. In the 2018-2019 VIP fee increase rulemaking, DEQ had proposed raising the Medford fee in three \$5 stages until it reached \$25. After the rules advisory committee meeting and public comment, DEQ considered stakeholder input that a biannual VIP Medford fee over \$20 could be considered a hardship because of average lower incomes in the region and the size of the increase from the previous \$10 fee. For those reasons, DEQ decided to cap the Medford fee at \$20 and implement the increase in two \$5 stages. DEQ will continue to assess the need and explore opportunities for further fee adjustments to sustain the vehicle inspection program.

Comment 6: DEQ Response

Several rules being revised with this rulemaking are part of Oregon's State Implementation Plan and the changes are subject to EPA approval. SIP rulemakings must comply with federal public notice requirements as well as state requirements. A public hearing for a SIP rulemaking must be held no sooner than 30 days after the hearing announcement. For this rulemaking, DEQ issued the hearing announcement

on Sept. 23, 2020, and the hearing could not be held sooner than Oct. 23, 2020; DEQ's intent was to issue the public notice and hearing announcement by mid-September but resources required for wildfire communications and response took priority in mid-September.

To prevent the expiration of the temporary fee increase, DEQ must present this permanent rulemaking at the Nov. 19-20, 2020, EQC meeting and needed sufficient time to prepare a response to comments and a final staff report. Delaying the public hearing after Oct. 23, 2020, would not have allowed sufficient time for DEQ to prepare final rulemaking materials. DEQ has also found that public hearings held after traditional business hours are more convenient, not less, for many members of the public to attend.

Comment 7: DEQ Response

DEQ is in the process of addressing Governor Brown's Executive Order 20-04 that directs multiple state agencies to enact policies that reduce greenhouse gas emissions. To respond to reductions needed from the transportation sector, DEQ is working with several state agencies to initiate programs and undertake rulemaking that implement elements of ODOT's 2013 Statewide Transportation Strategy. Vehicles' pollution control systems, when properly maintained, help to reduce ozone precursors such as volatile organics compounds, nitrogen oxides, and carbon monoxide, as well as air toxics – such as benzene – and carbon dioxide.

Commenters

Comments received by close of public comment period

The table below lists people and organizations that submitted public comments about the proposed rules by the deadline. Original comments are on file with DEQ.

List of Commenters			
Name	Organization	Commenter Number	Hearing Date
John Wasiutynski	Director, Multnomah County Office of Sustainability	1	Web submission
Veille Arthur	Arthur's Automotive and Upholstery LLC	2	Web submission
Adam Neilsen	Keith Schulz Garage	3	Web submission
Lewis Hess	Peter's Auto Works	4	Web submission
Ursula Stirgus	Gresham Suburu	5	Web submission
Bill Erickson	Erickson's Automotive	6	Web submission
Mike Christopherson	Pro-Tek Automotive	7	Web submission
Jessica Guernsey	Public Health Director Multnomah County Health Department	8	Web submission
Alan Journet	Southern Oregon Climate Action Now	9	Web submission

Implementation

Notification

The proposed rules would become effective upon filing. Fee increases became effective temporarily on June 1, 2020, and would become effective permanently upon rule filing. In the Medford area, the second \$5 fee increase would become effective on July 1, 2021. DEQ would notify affected parties by providing fact sheets and signage at all Clean Air Stations, posting information on DEQ's website and through social media and coordinating with DMV to include information with vehicle registration renewals. DEQ will notify by email and postal mail all businesses that participate in the mobile on-site testing program, pre-paid voucher purchases and DEQToo. The Vehicle Inspection Program and Air Quality Division will consult with DEQ Communications and Outreach on external communications needs.

Monitoring and reporting

The Vehicle Inspection Program produces an annual report to EPA demonstrating the program's compliance with federal requirements. Vehicle Inspection Program Technical Center staff and management coordinate with Air Quality Division budget and policy analysts to track program revenue and expenses.

Systems

DEQ will update its external website with the new fee schedule.

Training

The Vehicle Inspection Program, Air Quality Division, assisted by the Office of Communications and Outreach, will provide guidance or training to staff who interact with or may receive questions from the public.

Five-Year Review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Implement legislatively approved fee changes. ORS 183.405(5)(c).
- Correct errors or omissions in the existing rules. ORS 183.405(d).

Accessibility Information

You may review copies of all documents referenced in this announcement at:
Oregon Department of Environmental Quality
700 NE Multnomah St., Ste. 600
Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call Karen Font Williams in Portland at 503-229-5519.

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



State of Oregon Department of Environmental Quality

Vehicle Inspection Program

Updates 2020

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on September 17~~November 19-20~~, 2020.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)
[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)
[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)
[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
[DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018](#)
[DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018](#)
[DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018](#)

DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. & cert. ef. 5-1-11
DEQ 2-2011, f. & cert. ef. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. & cert. ef. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95

DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83

DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 256

MOTOR VEHICLES

340-256-0010

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, and this rule apply to this division. If this rule defines the same term is defined in this rule and as OAR 340-200-0020 or 340-204-0010, the definition in this rule applies into this division.

- (1) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle or an unloaded raised idle mode as described in OAR 340-256-0340.
- (2) "Carbon dioxideCO₂" means a chemical formula representing thea compound eonsisting of the chemical formula (CO₂)carbon dioxide.
- (3) "COCarbon monoxide" means a chemical formula representing thea compound carbon monoxideeonsisting of the chemical formula (CO).
- (4) "Certificate of Compliance" means a hard copy or electronic document statingeertification that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules. A certificate of compliance is issued by a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by the Department of Environmental QualityDEQ, or an Independent Contractor that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules.
- (5) "Certified Repair Facility" means an automotive repair facility, possessing a current and valid certificate issued by the Department, that employs automotive technicians certified by the Department's Automotive Technician Emission Training Program (ATETP).
- (65) "Clean-Screening" means a procedure by which the DepartmentDEQ determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional centralized emissions inspection station test. The DepartmentDEQ's decision may be the

result of remotely sensing the emissions, the status of emissions equipment, or another means determined by ~~the Department~~DEQ.

(76) "Commission" means the Environmental Quality Commission.

(8) "~~Crankcase emissions~~" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine.

(97) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.

(108) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(94).

(119) "~~Department~~DEQ" means the Department of Environmental Quality.

(1210) "Diesel motor vehicle" means a motor vehicle powered by a stratified charge compression-ignition internal combustion engine.

(1311) "Director" means the director of ~~the Department~~DEQ.

(1412) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(15) "~~Electric vehicle~~" means a motor vehicle that uses a propulsive unit powered exclusively by electricity.

(13) "Emissions" means gas or vapor released to the atmosphere from a motor vehicle component or resulting from fuel combustion within a motor vehicle engine.

(1614) "Emissions Inspection Station" means an ~~inspection~~ facility, operated by ~~the Department of Environmental Quality~~DEQ or an Independent Contractor, for the purpose of conducting emissions inspections of ~~all~~ vehicles required to be inspected pursuant to under this Division.

(17) "~~Enhanced test~~" means an inspection and maintenance program designed to measure exhaust and fuel evaporative system emissions levels using a loaded transient driving cycle and other measurement techniques as described in OAR 340-256-0350.

(1815) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream ~~from~~of the exhaust ports of a motor vehicle engine.

(1916) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations published in the Code of Federal Regulations, 40 C.F.R. Parts 85 and 86.

(17) "Franchised" means a sale entity licensed by the DMV and under an agreement as defined in ORS 650.120(5) to sell motor vehicles.

(2018) "Gas analytical system" means a device that measures the amount of contaminants in the exhaust emissions of a motor vehicle, and that has been issued a license by the DepartmentDEQ pursuant to under OAR 340-256-0450 and ORS 468A.380.

(2419) "Gaseous fuel" means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

(2220) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

(23) "GPM" means Grams Per Mile.

(2421) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(2522) "Heavy duty motor vehicle" means any motor vehicle rated at more with a GVWR greater than 8,500 pounds GVWR or that has an actual vehicle curb weight as delivered to the ultimate purchaser of 6000 pounds or over.

(23) "HC" is an abbreviation that means hydrocarbon.

(2624) "Hydrocarbon-gases" means a class of chemical compounds consisting of hydrogen and carbon.

(2725) "Idle speed" means the unloaded engine speed when accelerator pedal is fully released.

(26) "Imported vehicle" means a vehicle legally imported from another country through channels other than the maker's official distribution system.

(2827) "Independent Contractor" means any person with whom the DepartmentDEQ enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities pursuant to under ORS 468A.370 and these rules.

(2928) "Inspection and Maintenance Program or (I/M) Program" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the motor vehicle exhaust and an inspection of emission the motor vehicle pollution control systems, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing emission motor vehicle pollution control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the emission motor vehicle pollution control systems function as intended and to reduce tailpipe emissions of air contaminants.

(3029) "In-use motor vehicle" means any motor vehicle that is not a new motor vehicle.

(3130) "Light-duty motor vehicle" means any motor vehicle ~~rated at~~with a GVWR of 8,500 pounds ~~or less~~GVWR or less and has an actual vehicle curb weight as delivered to the ultimate purchaser of under 6000 pounds.

(32) "Medford Ashland Air Quality Maintenance Area (AQMA)" has the meaning given in OAR 340 204 0010.

(3331) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production ~~thereof~~of the vehicle or engine begins.

(34) "Motorcycle" means any motor vehicle, ~~including mopeds, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included.~~

(3532) "Motor vehicle" or "vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(3633) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

(3734) "Motor Vehicle Fleet Operation" means ownership, control, ~~or~~ management or any combination thereof, by any person, of five or more motor vehicles.

(3835) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who, in good faith, purchases the motor vehicle for purposes other than resale.

(39) "Noise level" means the sound pressure level measured by use of metering equipment with an "A" frequency weighting network and reported as dB_A.

(4036) "OBD" and "OBD-II" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the ~~motor~~ vehicle's ~~emissions pollution~~ control systems. ~~These OBDII (or higher systems) have typically been placed on 1996 and newer motor vehicles.~~

(4137) "OBD Test" means an emissions ~~related~~ test ~~in which~~that downloads diagnostic information from the vehicle's ~~On Board Diagnostic~~OBD computer ~~is downloaded,~~ supplying diagnostic information to evaluate the effectiveness of the ~~motor~~ vehicle ~~emissions pollution~~ control systems.

(4238) "On-Site Vehicle Test" means an emissions-related test that is conducted at the vehicle owner's location. Such test will be performed by DEQ using DEQ's test equipment and is only available as a service for automobile dealerships.

(4339) "Owner" means the person having all the incidents of ownership in a vehicle. Where the incidents of ownership are in different persons, it means the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of 10ten or more successive days.

(4440) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(45) "Oxides of Nitrogen" or NOx means oxides of nitrogen except nitrous oxides.

(41) "Permanent Fleet Vehicle" means a motor vehicle that the Oregon Department of Transportation identifies with permanent fleet tags, stickers, plates or other identification ODOT determines appropriate.

(4642) "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

(47) "Portland Vehicle Inspection Area" has the meaning given in OAR 340-204-0010.

(4843) "PPM" means parts per million by volume.

(4944) "Private Business Fleet" means a group of 100 or more ownership by any person of 100 or more Oregon-registered, in-use, motor vehicles, that are owned by any person, excluding those vehicles held primarily for the purpose of resale.

(5045) "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet that who possesses a current and valid license issued by the DepartmentDEQ pursuant to under OAR 340-256-0440 and ORS 468A.380.

(51) "Propulsion exhaust noise" means that noise created in the propulsion system of a motor vehicle that is emitted into the atmosphere from any opening downstream from the exhaust ports. This definition does not include exhaust noise from vehicle auxiliary equipment such as refrigeration units powered by a secondary motor.

(5246) "Public Agency Fleet" means a group ownership of 50 or more government-owned vehicles registered pursuant to under ORS 805.040.

(5347) "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by the DepartmentDEQ pursuant to under OAR 340-256-0440 and ORS 468A.380.

(~~544~~⁴⁸) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public, or dedicated or appropriated to public use.

(~~554~~⁴⁹) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.

(~~565~~⁵⁰) "Remote Sensing" means a technique for determining the level of a vehicle's emissions without connecting equipment directly to the vehicle, done either, ~~The vehicle's emissions can be determined~~ by either optically measuring the pollutants in the vehicle's exhaust plume, by remotely receiving a vehicle's emissions diagnostic information, or by other means determined by the Department DEQ.

(~~575~~⁵¹) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May, 1967, by the U.S. Department of Interior, Bureau of Mines, Information circular 8333.

(~~585~~⁵²) "RPM" means engine crankshaft revolutions per minute.

(~~595~~⁵³) "Self-Service Test Lane" means a technique procedure for vehicle testing offered by the Department DEQ where the vehicle owner or representative driver can perform an emissions test on the vehicle at a facility provided by the Department DEQ using remote sensing, plug-in OBD emissions testing, or other means designated by the Department DEQ.

(~~60~~) "Two stroke cycle engine" means an engine in which combustion occurs, within any given cylinder, once each crankshaft revolution.

(~~615~~⁵⁴) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor that who possesses a current and valid license issued by the Department pursuant to under OAR 340-256-0440 and ORS 468A.380.

(~~55~~) "VIN" or "Vehicle Identification Number" means a unique code including a serial number that identifies a specific vehicle.

(~~625~~⁵⁶) "Visible Emissions" means those gases or particulates, excluding uncombined water, that separately or in combination are visible upon release to the outdoor atmosphere.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS ~~467.030 &~~ 468A.360

Statutes/Other Implemented: ORS ~~467.030 &~~ 468A.350 - 468A.400

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0005 & 340-024-0305

DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 23-1984, f. 11-19-84, ef. 4-1-85
DEQ 12-1982, f. & ef. 7-21-82
DEQ 18-1980, f. & ef. 6-25-80
DEQ 22-1979, f. & ef. 7-5-79
DEQ 9-1978, f. & ef. 7-7-78
DEQ 139, f. 6-30-77, ef. 7-1-77
DEQ 89, f. 4-22-75, ef. 5-25-75
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0100

Visible Emissions: General Requirements, Exclusions

(1) ~~No-A~~ person may not operate, drive, or cause or permit to be driven or operated any motor vehicle upon-a public ~~street or highwayroads~~ that emits into the atmosphere any visible emission.

(2) Excluded from this rule are those motor vehicles:

(a) Powered by ~~compression ignition or~~ diesel cycle engines;

(b) ~~Excluded Granted a variance~~ by written order of ~~the Department DEQ by under~~ ORS 468A.075.

(3) ~~No-A~~ person may not operate, drive, or cause or permit to be driven or operated any motor vehicle upon-a public ~~street or highwayroads~~ if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner that decreases its efficiency or effectiveness in controlling air pollution in violation of ORS 815.305, except as noted in ORS 815.305(2).

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468, 468A & 815

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0010

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0110

Visible Emissions: Special Requirements for Excluded Motor Vehicles

~~No-A~~ person ~~shall may not~~ operate, drive, or cause or permit to be driven or operated upon a public street or highway, any motor vehicle excluded from OAR 340-256-0100 ~~whichthat~~:

(1) When operated at an elevation of 3,000 feet or less, emits visible emissions into the atmosphere:

(a) Of an opacity greater than ~~40-10~~ percent; ~~or~~

(b) Of an opacity ~~of ten~~ ~~40~~ percent or greater for a period exceeding seven consecutive seconds.

(2) When operated at an elevation ~~of~~ over 3,000 feet, emits visible emissions into the atmosphere:

(a) Of an opacity greater than ~~60-20~~ percent; ~~or~~

(b) Of an opacity of ~~20-60~~ percent or greater for a period exceeding seven consecutive seconds.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0015

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0120

Visible Emissions: Uncombined Water—Water Vapor

~~Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of OAR 340-256-0100 or 340-256-0110, such rules shall not apply.~~

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

~~DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0020~~

~~DEQ 8, f. 4-7-70, ef. 5-11-70~~

340-256-0130

Visible Emissions: Motor Vehicle Fleet Operation

(1) Motor vehicle fleet operation records pertaining to observations, tests, maintenance, and repairs performed to control or reduce visible emissions from individual motor vehicles must be available for ~~DEQ~~ review and inspection ~~by the Department~~.

(2) ~~The Department~~ ~~DEQ~~, by written notice, may require any motor vehicle of a motor vehicle fleet operation to be tested for compliance with OAR 340-256-0100 and 340-256-0110.

(3) A regional authority, within its territory, may perform the functions of ~~the~~
~~Department~~DEQ as set forth in sections (1) and (2) of this rule, upon written directive of ~~the~~
~~Department~~DEQ permitting such action.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0025

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0140

Visible Emissions: Dealer Compliance

~~No-A~~ dealer ~~shall~~may not sell, ~~exchange or lease~~, or offer for sale, exchange, or lease, any motor vehicle ~~which~~that operates in violation of OAR 340-256-0100 or 340-256-0110, except as permitted by federal regulations published in the Code of Federal Regulations, 40 C.F.R. Parts 85 and 86.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0030

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0150

Visible Emissions: Opacity Method of Measurement

Only a trained person may make ~~T~~he opacity observation for purposes of OAR 340-256-0100 through 340-256-0140. A trained person may use a Ringelmann Smoke Chart or DEQ approved opacity equipment to measure emission opacity~~shall be made by a person trained as an observer; provided, however, that a Ringelmann Smoke Chart may be used in measuring the opacity of emissions for purposes of OAR 340-256-0100 through 340-256-0140.~~

[Publications Note: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

[DEQ 191-2018, minor correction filed 07/18/2018, effective 07/18/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0035

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0160

Visible Emissions: Alternative Methods of Measuring Visible Emissions

- (1) ~~The Department DEQ may, but is not required to,~~ permit the use of alternative methods of measurement to determine compliance with the visible emissions standards in OAR 340-256-0100 and 340-256-0110 ~~when if DEQ determines that~~ such alternative methods are demonstrated to be reproducible, selective, sensitive, accurate and applicable to a specific program. ~~If DEQ permits the use of an alternative method of measurement, DEQ shall do so in writing in response to a request under section (2) of this rule.~~
- (2) Any person desiring to utilize alternative methods of measurement ~~shall must~~ submit a request to use alternative methods of measurement to ~~the Department DEQ~~. A request must include such specifications and test data as ~~the Department DEQ~~ may require, together with a detailed specific program for utilizing the alternative methods, sufficient to show that the alternative methods are reproducible, selective, sensitive, accurate, and applicable to a specific program. ~~The Department DEQ may shall~~ require demonstration of the effectiveness and suitability of the program any additional documentation that it deems necessary.
- (3) ~~No~~ A person ~~shall may not~~ undertake a program using an alternative method of measurement without having obtained prior written approval of ~~the Department DEQ~~.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0040

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0200

Certification of Pollution Control Systems: County Designations

~~Pursuant to the requirements of ORS 468A.360,~~ Clackamas, Columbia, Jackson, Marion, Multnomah, Washington and Yamhill counties are hereby designated by the Environmental Quality Commission as counties in which all motor vehicles registered therein, unless otherwise exempted by statute or by rules subsequently adopted by the Commission, ~~shall must~~ be equipped with a motor vehicle pollution control system and ~~shall must~~ comply with motor vehicle emission standards adopted by the Commission.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS ~~468A.360 &~~ 468A.390

Statutes/Other Implemented: ORS 468A.390

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0100

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 62, f. 12-5-73, ef. 12-25-73

DEQ 51, f. 3-20-73, ef. 4-1-73

340-256-0210

Certification of Pollution Control Systems: Criteria for Certification of Motor Vehicle Pollution Control Systems

~~Pursuant to the requirements of ORS 468A.365, the following are~~ This rule documents the criteria for certification of motor vehicle pollution control systems, ~~as defined by ORS 468A.350;~~ A motor vehicle pollution control system may be certified unless:

- (1) A motor vehicle pollution control system ~~which necessitates has~~ equipment ~~not~~ designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle ~~shall not be certified~~.
- (2) A motor vehicle pollution control system ~~which necessitates needs~~ modifications, other than adjustments, to the original design of the motor vehicle ~~shall not be certified~~.
- (3) ~~A person has replaced the motor vehicle engine and the resulting vehicle chassis is not identical (including all emission related parts, engine design parameters, and engine calibrations) to a certified configuration of the same or newer model year, except for:~~
 - (a) ~~Conversions to compressed natural gas or liquefied petroleum gasoline (LPG);~~
 - (b) ~~A complete engine or engine conversion kit granted an Executive Order by the California Air Resources Board that DEQ deems to meet the standards of this Division;~~
 - (c) ~~A complete powertrain on the U.S. Environmental Protection Agency's "Certified to EPA Standards" list, when the powertrain is used in its entirety and without modification, that DEQ deems to meet the standards of this Division;~~
 - (d) ~~A foreign-built replacement engine that has a configuration certified by the U.S. Environmental Protection Agency or the California Air Resources Board that DEQ deems to meet the standards of this Division.~~

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0200

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 66, f. 2-5-74, ef. 2-25-74

340-256-0220

Compliance With Oregon Low Emission Vehicle Program

Model years ~~S~~ 2009 and newer vehicles that have 7,500 or fewer miles must meet the requirements of ~~C~~hapter 340, ~~D~~ivision 257 to qualify for a Certificate of Compliance.

Statutory/Other Authority: ORS 468.020, 468A.010, 468A.015, 468A.025, 468A.360 & 468A.380

Statutes/Other Implemented: ORS 468.020 & 468A.365

History:

DEQ 6-2006, f. & cert. ef. 6-29-06

340-256-0300

Emission Control System Inspection: Scope

Pursuant to Under ORS ~~467.030~~, 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, OAR 340-256-0300 through 340-256-0465 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to ~~the Department~~DEQ or DMV a statement describing the grounds for the exemption on forms as provided by ~~the Department~~DEQ or DMV.

(1) Except as provided in sections ~~(3)~~and~~(4)~~ of this rule, any person owning or leasing 1975 and newer model year vehicles in the Portland Vehicle Inspection Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) Basic test. A light duty vehicle of the model years specified in this paragraph must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400, and ~~340-256-0430~~.

(A) ~~Until July 1, 2005, model years 1975 through 1980; Gasoline model year 1975 through 1995~~

(B) ~~Beginning July 1, 2005 and until July 1, 2006, model years 1975 through 1988; Diesel model year 1975 through 1996~~

~~(C) Beginning July 1, 2006 and until January 1, 2007, model years 1975 through 1992;~~

~~(D) Beginning January 1, 2007, model years 1975 through 1995.~~

~~(b) Enhanced Test. A light duty vehicle of the model years specified in this paragraph must meet the enhanced test requirements of OAR 340-256-0350 and 340-256-0410. These vehicles found to be safe but unable to be dynamometer tested due to drive line configuration and these vehicles equipped with All Wheel Drive (AWD) will meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0400, and 340-256-0430.~~

~~(A) Until July 1, 2005, model years 1981 through 1995;~~

~~(B) Beginning July 1, 2005 and until July 1, 2006, model years 1989 through 1995;~~

~~(C) Beginning July 1, 2006 and until January 1, 2007, model years 1993 through 1995;~~

(D) Beginning January 1, 2007, no vehicles will be required to meet the enhanced test requirements of OAR 340-256-0350 and 340-256-0410.

(eb) A light duty gasoline vehicle that is a 1996 and newer model year or a light duty diesel vehicle that is a 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the enhanced test requirements of OAR 340-256-0350 and 340-256-0410, the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by the Department DEQ.

(dc) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420, except gasoline powered heavy duty vehicles that are 2013 model year and newer and equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the enhanced test requirements of OAR 340-256-0350 and 340-256-0410, the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by the Department DEQ.

(2) Except as provided in section (3) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) A light duty gasoline vehicle that is a 1996 and newer model year or a light duty diesel vehicle that is 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400, and 340-256-0430 or other test criteria as determined by the Department DEQ.

(b) A light-duty vehicle that is 20 model years in age through 1995 model year must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, 340-256-0390, and 340-256-0400, and 340-256-0420.

(c) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420. All gasoline powered heavy duty vehicles equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle (where EPA has not issued an associated recall), vehicle incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-03980, and 340-256-04020, and 340-256-0430 or other test criteria as determined by the Department DEQ.

(d) Gasoline powered imported light duty and heavy duty vehicle conforming to EPA import regulations will be tested using basic or OBD test requirements as determined by DEQ.

(3) The DepartmentDEQ may test any gasoline powered heavy duty or light duty vehicle using one of the following procedures as an alternative to the test procedure otherwise required by this rule:

- (a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or
- (b) Self-Service OBD Testing following the procedures of OAR 340-256-0358.

(4) Vehicle owners may apply for a waiver from the enhanced test requirements in section (1)(b) of this rule and OAR 340-256-0350. Vehicle owners are eligible in the year 2000 if their net household income is less than or equal to that established by multiplying the year 2000 Federal Poverty Guideline amounts by 1.3. For each year after the year 2000, the calculated year 2000 numbers are adjusted using the Oregon Consumer Price Index for the Portland Metro Regional Area. The Department may require proof of eligibility and vehicle ownership. Providing false information may result in revocation of the low income waiver. If the Department approves the waiver, the owner must pass the basic motor vehicle emissions test requirements in OAR 340-256-0300(1)(a) and 340-256-0340 and pay the required fees in order to receive a certificate of compliance.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

{ED. NOTE: The chart referenced in this rule is available from the agency.}

Statutory/Other Authority: ORS 467.030 & ORS 468A.350 - 468A.400

Statutes/Other Implemented: ORS 468A.350 - 468A.400, 803.350 & 815.295

History:

DEQ 8-2006(Temp), f. 6-30-06, cert. ef. 7-5-06 thru 12-31-06

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 13-2000, f. & cert. ef. 7-28-00

DEQ 4-2000(Temp), f. & cert. ef. 2-17-00 thru 8-9-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0300

DEQ 2-1998, f. & cert. ef. 3-5-98

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 23-1984, f. 11-19-84, cert. ef. 4-1-85

DEQ 139, f. 6-30-77, cert. ef. 7-1-77

DEQ 89, f. 4-22-75, cert. ef. 5-25-75

340-256-0310

Emission Control System Inspection: Government-Owned Vehicle, Permanent Fleet Vehicle and United States Government Vehicle Testing Requirements

(1) All motor vehicles registered as government-owned vehicles under ORS 805.040 that are required to be certified not exempted from certification pursuant to ~~under~~ 815.300 must, as means of that certification, obtain a Certificate of Compliance. Government-owned vehicles must be certified biennially.

(2) All Any motor vehicles registered as a permanent fleet vehicles under ORS 805.120 that are required to be certified pursuant to ~~under~~ ORS 803.350 and 815.295 to 815.325 must, as means of that certification, obtain a Certificate of Compliance.

(3) Any motor vehicle that is to be registered under ORS 805.040 or 805.120 but which is not a new motor vehicle must have obtain a Certificate of Compliance issued to it before it is registered, as required by ORS 803.350 and 815.295 to 815.325.

(4) All motor vehicles owned by the United States Government and operated in the Portland Vehicle Inspection Area or the Medford-Ashland Air Quality Maintenance Area (AQMA) must have obtain a Certificate of Compliance issued to it biennially.

(a) United States Government tactical military vehicles are not required to be certified obtain Certificates of Compliance.

(b) Federal installations located within the Portland Area Vehicle Inspection Program and the Medford-Ashland AQMA must provide DEQ with a listing to the Department of all federal employee-owned vehicles operated on the installation, and demonstrate that these vehicles have complied with this Division. report inspection results must be reported to the Department DEQ on each quarterly basis, and update the list must be updated annually.

(5) For the purposes of providing a staggered certification schedule for vehicles registered as government-owned vehicles under ORS 805.040 or permanent fleet vehicles under 805.120, such schedule must, except as provided by section (6) of this rule, be on the basis of the final numerical digit contained on the vehicle license plate. Such certification must be completed by the last day of the month as provided below (last digit and month or year, respectively):

(a) 1 — January;

(b) 2 — February;

(c) 3 — March;

(d) 4 — April;

(e) 5 — May;

(f) 6 — June;

(g) 7 — July;

(h) 8 — August;

- (i) 9 — September;
 - (j) 0 — October;
 - (k) Even — even numbered years for vehicles ~~that are~~ tested biennially;
 - (l) Odd — odd numbered years for vehicles ~~that are~~ tested biennially.
- (6) In order to accommodate a fleet's scheduled maintenance practices, ~~the Department DEQ may establish grant a request for~~ a specific separate schedule for vehicles registered as government-owned vehicles under ORS 805.040 or permanent fleet vehicles ~~registered under ORS 805.120 if a Public Agency Fleet or Private Business Fleet licensed under OAR 340-256-0440 owns~~ these vehicles ~~are owned by a Public Agency Fleet or Private Business Fleet licensed under OAR 340-256-0440.~~
- (7) Every agency or organization owning fleet vehicles described in this rule must report the following information to ~~the Department DEQ~~, in either electronic or printed form, annually:
- (a) The vehicle make;
 - (b) The vehicle model;
 - (c) The vehicle identification number (VIN);
 - (d) The number of Certificates of Compliance issued; and
 - (e) The issuing date ~~on which of~~ the motor vehicle's ~~were issued~~ Certificates of Compliance.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360 & 468A.363

Statutes/Other Implemented: ORS 468A.365 - 468A.385

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0306

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 3-1978, f. 3-1-78, ef. 4-1-78

340-256-0320

Emission Control System Inspection: Motor Vehicle Inspection Program Fee Schedule

This rule sets out the fee schedule for Certificates of Compliance and licenses issued by ~~the Department DEQ~~'s Vehicle Inspection Program:

(1) The cost of each Certificate of Compliance issued by ~~the Department~~DEQ, including those issued at emissions test stations and those issued through the Clean-Screen and Self-Service Testing procedures, is:

- (a) In the Portland Vehicle Inspection Areaa a maximum of ~~\$21~~\$25; or
- (b) In the Medford-Ashland ~~Air Quality Maintenance Area~~AQMA, a maximum of ~~\$10~~ \$15 until June 30, 2021; and then a maximum of \$20.

(2) The cost of each Certificate of Compliance issued by a Private Business Fleet or Public Agency Fleet is:

- (a) In the Portland Vehicle Inspection Area~~is~~ a maximum of \$10; and
- (b) In the Medford-Ashland ~~Air Quality Maintenance Area~~AQMA~~is~~ a maximum of \$5.

(3) The cost of each License issued to a Private Business Fleet or Public Agency Fleet is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(4) The cost of each License issued to a Private Business Fleet or Public Agency Fleet Vehicle Emission Inspector is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(5) The cost of each License issued for a Gas Analytical System is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(6) The cost of each Certificate of Compliance issued on-site to an automobile dealership is a maximum of ~~\$26~~\$30.

Statutory/Other Authority: ORS 468A.400

Statutes/Other Implemented: ORS 468A.400

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0307

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 3-1992, f. & cert. ef. 2-4-92

DEQ 20-1981, f. 7-28-81, ef. 8-1-81

340-256-0330

Emission Control System Inspection: Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program

This rule documents DEQ's considerations regarding motor vehicle pollution control system requirements for Department of Defense personnel participating in the Privately Owned Vehicle Import Control Program.

(1) U.S. Department of Defense (DOD) personnel participating in the DOD Privately Owned Vehicle (POV) Import Control Program operating a 1975 or newer model year vehicle, ~~are exempt from the prohibition of ORS 815.305 insofar as it pertains to~~ may temporarily remove catalytic converter systems, ~~or~~ and, if applicable, exhaust gas oxygen (O2) sensor(s), if one of the following conditions is met:

(a) The vehicle will be driven to the port and surrendered for export under the above program within ten working days of disconnection, deactivation, or inoperability of the catalytic converter system or exhaust gas oxygen (O2) sensor(s); or

(b) The ~~reconnection, reactivation, or reoperability of the~~ catalytic converter systems and exhaust gas oxygen (O2) sensor(s), ~~is made~~ are reconnected, reactivated or made operable within 10 working days from the time the owner picked up the vehicle at the port.

(2) Persons ~~may~~ disconnecting, deactivating or rendering inoperable any catalytic converter system or exhaust gas oxygen (O2) sensor(s) on 1975 or newer model year vehicle of DOD personnel participating in the DOD POV Import Control Program which will be driven to the port and surrendered for exportation under said program within ten working days ~~are exempt from the prohibition of ORS 815.305~~.

(3) Unless otherwise exempt under this Division, vehicles must be configured as a vehicle certified by the EPA for sale and use within the United States ~~pursuant to~~ under 40 CFR, part 86, subpart A.

(4) Documentation ~~shall~~must be kept with the vehicle at all times while the vehicle is operated in the United States which provides sufficient information to demonstrate compliance with all appropriate qualifications and conditions of this exemption, including the following:

(a) The unique ~~vehicle identification number~~ (VIN) of the ~~subject~~ vehicle;

(b) The agency or organization ~~which~~that employs the owner of the ~~subject~~ vehicle;

(c) The country to which the owner of the subject vehicle is ~~being~~ transferring;

(d) The date(s) when applicable alterations were performed on the ~~subject~~ vehicle;

(e) The date when the ~~subject~~ vehicle is scheduled to be delivered to the appropriate port for shipment out of the United States; and

(f) The date when the subject vehicle is picked up from the port of importation upon returning to the United States.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.400

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0308

DEQ 25-1996, f. & cert. ef. 11-26-96

340-256-0340

Emission Control System Inspection: Light Duty Motor Vehicle and Heavy Duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program

This rule documents the general requirements and test sequence for the basic light duty motor vehicle and heavy duty gasoline motor vehicle emission test method.

(1) General Requirements:

(a) The vehicle must have a properly affixed and readable VIN.

(b) DEQ must reject from the testing area ~~V~~ehicles having coolant, oil or fuel leaks or any other such defect that make conducting is unsafe to allow the emission test unsafe to be conducted ~~must be rejected from the testing area~~. The inspector may not conduct the emissions test until the defects are corrected.

(c) b) The vehicle transmission must be placed in neutral gear if equipped with a manual transmission or in park position if equipped with an automatic transmission. The hand or parking brake must be engaged. If the brake is defective, then wheel chocks must be placed in front of or behind the vehicle's tires, or both when appropriate.

(d) e) All accessories are to be turned off.

(e) d) The inspector must ensure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of OAR 340-256-0380 or 340-256-0390. For vehicles not meeting thisthese criteria upon completion of the testing process, the inspector must issue a report to the driver stating all reasons for noncomplianceways in which the motor vehicle pollution control system does not meet the criteria of OAR 340-0256-0380 and 0390.

(f) e) Exhaust gas sampling algorithm. The analysis of exhaust gas concentrations will begin 10 seconds after the applicable test mode begins. Exhaust gas concentrations and will be analyzed at a rate of two times per second. The measured value for pass or fail

determinations will be a simple running average of the measurements taken over five seconds.

(fg) Pass or fail determinations. A pass or fail determination will be made for each applicable test mode based on a comparison of the applicable standards listed in OAR 340-256-0400 and 340-256-0420 and the measured value for HC and CO and described in subsection (1)(a) of this rule. A vehicle will pass the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable standards. A vehicle will fail the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

(gh) Void test conditions. If the measured concentration of CO plus CO₂ falls below the applicable standards listed in OAR 340-256-0380 and 340-256-0390, or if the vehicle's engine stalls at any time during the test sequence, the test will end, and any exhaust gas measurements will be voided.

(hi) Multiple exhaust pipes. Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes will be sampled simultaneously.

(ij) The test will be terminated upon reaching the overall maximum test time.

(2) Test sequence.

(a) The test sequence will consist of a first-chance test and idle mode, a high idle conditioning mode, and a second chance test idle mode, as follows:

(a) First-chance idle mode: the engine RPM shall be maintained between 550 and 1300 during the first chance idle mode. The maximum duration of this test shall be 30 seconds.

(A) If, before an elapsed time of 30 seconds, the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.

(B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

(b) High idle conditioning mode: If, before an elapsed time of 30 seconds, the test has not been terminated in accordance with (2)(a)(A) or (2)(a)(B) then the engine RPM shall be raised and maintained between 2200 and 2800. The maximum duration of the high idle conditioning mode test shall be 180 seconds. If, before an elapsed time of 180 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420 the vehicle will fail and the test will be terminated.

(c) Second-chance idle mode: If the test has not been terminated in accordance with (2)(a) or (2)(b) then the engine RPM shall be lowered and maintained between 550 and 1300 during the second chance idle mode. The maximum duration of the second-chance idle mode test shall be 30 seconds.

- (A) If, before an elapsed time of 30 seconds, measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.
- (B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.
- (C) If, after an elapsed time of 30 seconds, measured values exceed the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

- (A) The first chance test, as described in section (3) of this rule, will consist of an idle mode followed by a high speed mode.
- (B) The second chance high speed mode, as described in section (3) of this rule, will immediately follow the first chance high speed mode. It will be performed only if the vehicle fails the first chance test. The second chance idle mode, as described in section (4) of this rule, will follow the second chance high speed mode and be performed only if the vehicle fails the idle mode of the first chance test.
- (b) The test sequence will begin only after the following requirements are met:
- (A) The vehicle will be tested in as received condition with the transmission in neutral or park and all accessories turned off. The engine will be at normal operating temperature (as indicated by a temperature gauge, temperature lamp, touch test on the radiator hose, or other visual observation for overheating).
- (B) The tachometer will be attached to the vehicle in accordance with the analyzer manufacturer's instructions.
- (C) The sample probe will be inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension will be used.
- (D) The measured concentration of CO plus CO₂ will be greater than or equal to the applicable standards listed in OAR 340-256-0380 and 340-256-0390.
- (3) First chance test and second chance high speed mode. The test timer will start ($t=0$) when the conditions specified in section (2)(b) of this rule are met. The first chance test and second chance high speed mode will have an overall maximum test time of 390 seconds ($t=390$). The first chance test will consist of an idle mode followed immediately by a high-speed mode. An additional second chance high speed mode will follow immediately, if necessary.
- (a) First chance idle mode.

~~(A) Except for diesel vehicles, the mode timer will start ($mt=0$) when the vehicle engine speed is between 550 and 1300 rpm. If engine speed exceeds 1300 rpm or falls below 550 rpm, the mode timer will reset to zero and resume timing. The minimum idle mode length will be determined as described in section (3)(a)(B) of this rule. The maximum idle mode length will be 30 seconds ($mt=30$) elapsed time.~~

~~(B) The pass/fail analysis will begin after an elapsed time of 10 seconds ($mt=10$). A pass or fail determination will be made for the vehicle, and the mode will be terminated as follows:~~

~~(i) If, before an elapsed time of 30 seconds ($mt=30$), measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the idle mode, and the mode will be terminated.~~

~~(ii) The vehicle will fail the idle mode and the mode will be terminated if the provisions of section (3)(a)(B)(i) of this rule are not satisfied within an elapsed time of 30 seconds ($mt=30$).~~

~~(iii) The vehicle may fail the first chance and second chance test will be omitted if no exhaust gas concentration less than 1800 ppm HC is found by an elapsed time of 30 seconds ($mt=30$).~~

~~(b) First chance and second chance high speed modes. This mode includes both the first chance and second chance high speed modes and follows immediately upon termination of the first chance idle mode.~~

~~(A) Except for diesel vehicles, the mode timer will reset ($mt=0$) when the vehicle engine speed is between 2200 and 2800 rpm. If engine speed falls below 2200 rpm or exceeds 2800 rpm for more than two seconds in one excursion or more than six seconds over all excursions within 30 seconds of the final measured value used in the pass/fail determination, the measured value will be invalidated and the mode continued. If any excursion lasts for more than ten seconds, the mode timer will reset to zero ($mt=0$) and timing resumed. The minimum high speed mode length will be determined as described under paragraphs (3)(b)(B) and (C) of this rule. The maximum high speed mode length will be 180 seconds ($mt=180$) elapsed time.~~

~~(B) Ford Motor Company and Honda vehicles. For 1981-1987 model year Ford Motor Company vehicles and 1984-1985 model year Honda Preludes, the pass/fail analysis will begin after an elapsed time of 10 seconds ($mt=10$) using the following procedure.~~

~~(i) A pass or fail determination, as described below, will be used, for vehicles that passed the idle mode, to determine whether the high speed test should be terminated before or at the end of an elapsed time of 180 seconds ($mt=180$).~~

~~(I) If, before an elapsed time of 30 seconds ($mt=30$), the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(II) Restart.~~ If at an elapsed time of 30 seconds ($mt=30$) the measured values are greater than the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle's engine will be shut off for not more than 10 seconds after returning to idle and then will be restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. The mode timer will stop upon engine shut off ($mt=30$) and resume upon engine restart. The pass/fail determination will resume as follows after 40 seconds have elapsed ($mt=40$):

~~(III) If, at any point between an elapsed time of 40 seconds ($mt=40$) and 60 seconds ($mt=60$), the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(IV) If, at a point between an elapsed time of 60 seconds ($mt=60$) and 180 seconds ($mt=180$), both HC and CO emissions continue to decrease and measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 or 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(V) If neither of sections (3)(b)(B)(i)(I), (III) or (IV) of this rule is satisfied by an elapsed time of 180 seconds ($mt=180$), the vehicle will fail the high speed mode, and the test will be terminated. (ii) A pass or fail determination will be made for vehicles that fail the idle mode and the high speed mode terminated at the end of an elapsed time of 180 seconds ($mt=180$) as follows:~~

~~(V a) The vehicle will pass the high speed mode, and the mode will be terminated at an elapsed time of 30 seconds ($mt=30$), if any measured values of HC and CO exhaust gas concentrations during the high speed mode are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420.~~

~~(V b) Restart.~~ If at an elapsed time of 30 seconds ($mt=30$) the measured values of HC and CO exhaust gas concentrations during the high speed mode are greater than the applicable short test standards as described in subsection (1)(b) of this rule, the vehicle's engine will be shut off for not more than 10 seconds after returning to idle and then will be restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure. The mode timer will stop upon engine shut off ($mt=30$) and resume upon engine restart. The pass/fail determination will resume as follows after 40 seconds ($mt=40$) have elapsed.

~~(V c) The vehicle will pass the high speed mode, and the mode will be terminated at an elapsed time of 60 seconds ($mt=60$), if any measured values of HC and CO exhaust gas concentrations during the high speed mode are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420.~~

~~(V d) If, at a point between an elapsed time of 60 seconds ($mt=60$) and 180 seconds ($mt=180$), both HC and CO emissions continue to decrease, and measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 or 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(V e) If neither of sections (3)(b)(B)(ii)(I), (III) or (IV) of this rule is satisfied by an elapsed time of 180 seconds ($mt=180$), the vehicle will fail the high speed mode, and the test will be terminated.~~

~~(C) All other light duty vehicles. The pass/fail analysis for vehicles not specified in section (3)(b)(B) of this rule will begin after an elapsed time of 10 seconds ($mt=10$) using the following procedure.~~

~~(i) A pass or fail determination will be used for 1981 and newer model year vehicles that passed the idle mode to determine whether the high speed mode should be terminated before or at the end of an elapsed time of 180 seconds ($mt=180$). For pre 1981 model year vehicles, no high speed idle mode test will be performed.~~

~~(I) If, before an elapsed time of 30 seconds ($mt=30$), the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(II) If emissions continue to decrease after an elapsed time of 30 seconds ($mt=30$) and if, at any point between an elapsed time of 30 seconds ($mt=30$) and 180 seconds ($mt=180$), the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(III) The vehicle will fail the high speed mode, and the test will be terminated, if neither of the provisions of section (3)(b)(C)(i)(I) or (II) of this rule is satisfied.~~

~~(ii) A pass or fail determination will be made for 1981 and newer model year vehicles that failed the idle mode and the high speed mode terminated before or at the end of an elapsed time of 180 seconds ($mt=180$). For pre 1981 model year vehicles, the duration of the high speed idle mode will be 30 seconds, and no pass or fail determination will be used at the high speed idle mode.~~

~~(I) The vehicle will pass the high speed mode, and the mode will be terminated at an elapsed time of 30 seconds ($mt=30$), if any measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420.~~

~~(II) If emissions continue to decrease after an elapsed time of 30 seconds ($mt=30$) and if, at any point between an elapsed time of 30 seconds ($mt=30$) and 180 seconds ($mt=180$), the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass the high speed mode, and the test will be terminated.~~

~~(III) If neither of the provisions of section (3)(b)(C)(ii)(I) or (II) of this rule is satisfied, the vehicle will fail the high speed mode, and the test will be terminated.~~

~~(4) Second chance idle mode. If the vehicle fails the first chance idle mode and passes the high speed mode, the mode timer will reset to zero ($mt=0$), and a second chance idle mode~~

~~will commence. The second chance idle mode will have an overall maximum mode time of 30 seconds (mt=30). The test will consist on an idle mode only.~~

~~(a) The engines of 1981–1987 Ford Motor Company vehicles and 1984–1985 Honda Preludes will be shut off for not more than 10 seconds and restarted. The probe may be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.~~

~~(b) Except for diesel vehicles, the mode timer will start (mt=0) when the vehicle engine speed is between 550 and 1300 rpm. If the engine speed exceeds 1300 rpm or falls below 550 rpm the mode timer will reset to zero and resume timing. The minimum second chance idle mode length will be determined as described in section (4)(c) of this rule. The maximum second chance idle mode length will be 30 seconds (mt=30) elapsed time.~~

~~(c) The pass/fail analysis will begin after an elapsed time of 10 seconds (mt=10). A pass or fail determination will be made for the vehicle and the second chance mode will be terminated as follows:~~

~~(A) If, before an elapsed time of 30 seconds (mt=30), any measured values are less than or equal to 100 ppm HC and 0.5 percent CO, the vehicle will pass the second chance idle mode, and the test will be terminated.~~

~~(B) The vehicle will pass the second chance idle mode, and the test will be terminated at the end of an elapsed time of 30 seconds (mt=30) if, before that time, the criteria of paragraph (4)(c)(A) of this rule are not satisfied, and the measured values during the time period between 25 and 30 seconds (mt=25–30) are less than or equal to the applicable short test standards listed in OAR 340-256-0400 and 340-256-0420.~~

~~(C) If neither of the provisions of sections (4)(c)(A) or (B) of this rule is satisfied by an elapsed time of 30 seconds (mt=30), the vehicle will fail the second chance idle mode, and the test will be terminated.~~

~~(5) If the vehicle is capable of being operated with both gasoline and gaseous fuels, then the steps in section (2) of this rule are to be followed so that emission test results are obtained from both fuels.~~

~~(6) If the inspector suspects that the vehicle is emitting propulsion exhaust noise in excess of the noise standards of OAR 340-256-0430, adopted pursuant to ORS 467.030, then a noise measurement will be conducted and recorded while the engine is at the speed specified in section (3)(b)(A) of this rule. A reading from each exhaust outlet must be recorded at the raised engine speed. This provision for noise inspection applies only within the Portland Vehicle Inspection Area.~~

~~(7) If the vehicle complies with OAR 340-256-0380 through 340-256-0430, ORS 467.030, 468A.350 through 468A.400, 803.350, and 815.295 through 815.325, then, following receipt of the required fees, the Private Business Fleet Vehicle Emission Inspector, Public Agency Fleet Vehicle Emission Inspector, or Vehicle Emission Inspector must issue the required Certificate of Compliance.~~

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

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DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

340-256-0350

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program

(1) General Requirements.

(a) Data Collection. The following information must be determined for the vehicle being tested and used to automatically select the dynamometer inertia and power absorption settings:

(A) Vehicle type: LDPC, LDT1 or LDT2;

(B) Chassis model year;

(C) Make;

(D) Model;

(E) Gross vehicle weight rating; and

(F) Number of cylinders, or cubic inch displacement of the engine.

(b) Ambient Conditions. The ambient temperature, absolute humidity, and barometric pressure must be recorded continuously during the transient driving cycle or as a single set of readings up to 4 minutes before the start of the transient driving cycle.

(c) Restart. If shut off, the vehicle must be restarted as soon as possible before the test and must be running at least 30 seconds before the transient driving cycle.

(2) Pre-inspection and Preparation.

(a) Accessories. The Inspector must ensure that all accessories (air conditioning, heat, defogger, radio, automatic traction control if switchable, etc.) will be turned off.

~~(b) Leaks. The vehicle must be inspected for exhaust leaks. Vehicles with leaking exhaust systems will be rejected from testing. Vehicles having coolant, oil or fuel leaks or any other such defect that is unsafe to allow the emission test to be conducted will be rejected from the testing area. The Inspector is prohibited from conducting the emission test until the defects are corrected.~~

~~(c) Operating Temperature. Vehicles in overheated condition will be rejected from testing.~~

~~(d) Tire Condition. Vehicles will be rejected from testing if the tire cords, bubbles, cuts, or other damage are visible. Vehicles will be rejected that have space saver spare tires on the drive axle. Vehicles may be rejected that do not have reasonably sized tires. Vehicle tires will be visually checked for adequate pressure level. Drive wheel tires that appear low will be inflated to approximately 30 psi or to tire sidewall pressure or manufacturers recommendations.~~

~~(e) Ambient Background. Background concentrations of hydrocarbons, carbon monoxide, oxides of nitrogen, and carbon dioxide (HC, CO, NO_x, and CO₂, respectively) will be sampled to determine background concentration of constant volume sampler dilution air. The sample will be taken for a minimum of 15 seconds within 120 seconds of the start of the transient driving cycle, using the same analyzers used to measure tailpipe emissions. Average readings over the 15 seconds for each gas will be recorded in the test record. Testing will be prevented until the average ambient background levels are less than 20 ppm HC, 35 ppm CO, and 2 ppm NO_x.~~

~~(f) Sample System Purge. While a lane is in operation, the CVS will continuously purge the CVS hose between tests, and the sample system will be continuously purged when not taking measurements.~~

~~(g) Negative Values. Negative gram per second readings will be integrated as zero and recorded as such.~~

(3) Equipment Positioning and Setting.

~~(a) Roll Rotation. The vehicle will be maneuvered onto the dynamometer with the drive wheels positioned on the dynamometer rolls. Before the test begins, the rolls will be rotated until the vehicle laterally stabilizes on the dynamometer. Drive wheel tires will be dried if necessary to prevent slippage during the initial acceleration.~~

~~(b) Purge Equipment. After the vehicle is positioned on the dynamometer, the vehicle gas cap is removed. A replacement cap with a ported hole through the cap is installed on the vehicle and the tubing to duct Helium to vehicle is connected to the port on the replacement cap. Helium flow into the cap is computer controlled to match the timing of the transient driving cycle. The evaporative canister purge will be measured during the transient driving cycle by inputting Helium under pressure into the test vehicle's fuel tank. Helium is measured in the vehicle exhaust with a detection device and accumulated volume of Helium is compared with the standard of 0.45 liters of Helium to determine pass/fail.~~

~~(c) Cooling System.~~ Testing will not begin until the test cell cooling system is positioned and activated. The cooling system will be positioned to direct air to the vehicle cooling system, but will not be directed at the catalytic converter.

~~(d) Vehicle Restraint.~~ Testing will not begin until the vehicle is restrained and, for front-wheel drive vehicles, the parking brake is set.

~~(e) Dynamometer Settings.~~ Dynamometer power absorption and inertia weight settings will be automatically chosen from an EPA supplied electronic look-up table that will be referenced based upon the vehicle identification information obtained in section (1)(a) of this rule. Vehicles not listed will be tested using default power absorption and inertia settings as follows: [Table not included. See ED. NOTE.]

~~(f) Exhaust Collection System.~~ The exhaust collection system will be positioned to ensure that the entire exhaust stream from the tailpipe is captured during the transient driving cycle.

(4) Vehicle Emission Test Sequence.

~~(a) Transient Driving Cycle.~~ The Oregon enhanced test cycle consists of a single 31-second symmetrical peak with a maximum speed of 30.1 miles per hour (MPH). If the vehicle exceeds the emission standards established in OAR 340-256-0410, additional cycles up to a maximum of four (4) will be driven. If the vehicle passes the standards during any of the four cycles, the test will be terminated. After receiving the required fees, the Inspector will issue the required Certificate of Compliance. If after four cycles the vehicle still has not passed the test, the vehicle fails. The vehicle will be driven over the following cycle: [Table not included. See ED. NOTE.]

~~(b) Driving Trace.~~ The Inspector will follow an electronic, visual depiction of the time/speed relationship of the transient driving cycle (hereinafter, the trace). The visual depiction of the trace will be of sufficient magnification and adequate detail to allow accurate tracking by the Inspector and will permit the Inspector to anticipate upcoming speed changes. The trace will also clearly indicate gear shifts as specified in section (4)(c) of this rule.

~~(c) Shift Schedule.~~ For vehicles with manual transmissions, Inspectors will shift gears according to the following shift schedule: [Table not included. See ED. NOTE.] Gear shifts will occur at the points in the driving cycle where the specified speeds are obtained.

~~(d) Speed Excursion Limits.~~ Speed excursion limits will apply as follows:

~~(A)~~ The upper limit is 2 mph higher than the highest point on the trace within 1 second of the given time.

~~(B)~~ The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time.

~~(C)~~ Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for no more than 2 seconds on any occasion.

~~(D) Speeds lower than those prescribed during accelerations are acceptable provided the vehicle is operated at maximum available power during such accelerations until the vehicle speed is within the excursion limits.~~

~~(E) Exceedances of the limits in (A) through (C) of this section will automatically result in a void test. The station manager can override the automatically void test if the manager determines that the conditions specified in section (4)(d)(D) of this rule occurred. Tests will be aborted if the upper excursion limits are exceeded. Tests may be aborted if the lower limits are exceeded.~~

~~(e) Speed Variation Limits.~~

~~(A) A linear regression of feedback value on reference value will be performed on each transient driving cycle for each speed using the method of least squares, with the best fit equation having the form: $y = mx + b$, where:~~

- ~~(i) y = The feedback (actual) value of speed;~~
- ~~(ii) m = The slope of the regression line;~~
- ~~(iii) x = The reference value; and~~
- ~~(iv) b = The y intercept of the regression line.~~

~~(B) The standard error of estimate (SE) of y on x will be calculated for each regression line. A transient driving cycle lasting the full 31 seconds that exceeds the following criteria will be void and the test will be repeated:~~

- ~~(i) $SE = 2.0 \text{ mph maximum.}$~~
- ~~(ii) $m = 0.96 - 1.01.$~~
- ~~(iii) $r^2 = 0.97 \text{ minimum.}$~~
- ~~(iv) $b = \pm 2.0 \text{ mph.}$~~

~~(f) Distance Criteria. The actual distance traveled for the transient driving cycle and the equivalent vehicle speed (i.e., roll speed) will be measured. If the absolute difference between the measured distance and the theoretical distance for the actual test exceeds 0.05 miles, the test will be void.~~

~~(g) Vehicle Stalls. Vehicle stalls during the test will result in a void and a new test. Three (3) stalls will result in test failure or rejection from testing.~~

~~(h) Dynamometer Controller Check. For each test, the measured horsepower, and inertia if electric simulation is used, will be integrated from 55 seconds to 81 seconds (divided by 26 seconds), and compared with the theoretical road load horsepower (for the vehicle selected) integrated over the same portion of the cycle. The same procedure will be used to integrate~~

~~the horsepower between 189 seconds to 201 seconds (divided by 12 seconds). The theoretical horsepower will be calculated based on the observed speed during the integration interval. If the absolute difference between the theoretical horsepower and the measured horsepower exceeds 0.5 hp, the test will be void. Alternate error checking methods may be used if shown to be equivalent.~~

~~(i) Inertia Weight Selection. Operation of the inertia weight selected for the vehicle will be verified as specified in OAR 340-256-0460. For systems employing electrical inertia simulation, an algorithm identifying the actual inertia force applied during the transient driving cycle will be used to determine proper inertia simulation. For all dynamometers, if the observed inertia is more than 1% different from the required inertia, the test will be void.~~

~~(j) Constant Volume Sampling (CVS) Operation. The CVS operation will be verified for each test for a Critical Flow Venturi (CFV) type CVS by measuring either the absolute pressure difference across the venturi or measuring the blower vacuum behind the venturi for minimum levels needed to maintain choke flow for the venturi design. The operation of an Subsonic Venturi (SSV) type CVS will be verified throughout the test by monitoring the difference in pressure between upstream and throat pressure. The minimum values will be determined from system calibrations. Monitored pressure differences below the minimum values will void the test.~~

~~(k) Fuel Economy. For each test, the health of the overall analysis system will be evaluated by checking a test vehicle's fuel economy for reasonableness, relative to upper and lower limits, representing the range of fuel economy values normally encountered for the test inertia and horsepower selected. For each inertia selection, the upper fuel economy limit will be determined using the lowest horsepower setting typically selected for the inertia weight, along with statistical data, test experience, and engineering judgment. A similar process for the lower fuel economy limit will be used with the highest horsepower setting typically selected for the inertia weight. For test inertia selections where the range of horsepower settings is greater than 5 horsepower, at least two sets of upper and lower fuel economy limits will be determined and appropriately used for the selected test inertia. Tests with fuel economy results in excess of 1.5 times the upper limit will result in a void test.~~

~~(5) Emission Measurements. The emission analysis system will sample and record dilute exhaust HC, CO, CO₂, and NO_x during the transient driving cycle.~~

~~(6) If it is determined that the vehicle complies with OAR 340-256-0400 and ORS 815.310 through 815.325, then, after receiving the required fees, the Private Business Fleet Vehicle Emission Inspector, Public Agency Fleet Vehicle Emission Inspector, or Vehicle Emission Inspector must issue the required Certificate of Compliance.~~

~~[ED. NOTE: Tables referenced are available from the agency.]~~

Statutory/Other Authority: ORS 468A.360 & 468A.363

Statutes/Other Implemented: ORS 468A.350 – 468A.385

History:

DEQ 164 2018, minor correction filed 04/12/2018, effective 04/12/2018

~~DEQ 7 2005, f. & cert. ef. 7 12 05~~

~~DEQ 14-1999, f. & cert. ef. 10 14 99, Renumbered from 340-024-0312~~

~~DEQ 25-1996, f. & cert. ef. 11 26 96~~

340-256-0355

Emission Control System Inspection: Emissions Control Test Method for OBD Test Program

This rule documents the general requirements and test sequence for the light or heavy-duty vehicle OBD test method. The OBD test must be performed in accordance with the Vehicle Inspection Program Inspection and Maintenance Policies and Procedure Number 225.00, which includes downloading computerized vehicle OBD information, observing trouble codes, and observing the malfunction indicator lights located on vehicle dashboards.

(1) General Requirements:

- (a) DEQ must reject from the testing area vehicles having coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe. The inspector may not conduct the emissions test until the defects are corrected.
- (b) Light duty gasoline vehicles must be 1996 and newer model years.
- (c) Light duty diesel vehicles must be 1997 and newer model years.
- (d) Heavy duty gasoline vehicles must be 2013 and newer model years and equipped with an OBD-II compliant or newer OBD system.
- (e) The vehicle must have a properly affixed and readable VIN.
- (f) The vehicle's OBD system must match the original manufacturer's information and must communicate with DEQ's OBD analytical equipment.
 - (A) All 2005 and subsequent model year light duty vehicles must have the VIN included in the vehicle OBD information.
 - (B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.
- (g) If an Original Equipment Manufacturer LPG powered vehicle, model year 1996 through 2004, has a DEQ-recognized OBD manufacture defect, DEQ will follow the idle emission testing criteria of OAR 340-256-0340, OAR 340-256-0380, OAR 340-256-0390, OAR 340-256-0400 and OAR 340-256-0420.

(2) Test criteria:

- (a) Gasoline powered motor vehicles from model years 1996 to 2000 are allowed two unready monitors; 2001 and newer vehicles are allowed one unready monitor.
- (b) Diesel powered motor vehicles from 1997 to 2008 are not allowed any unready monitors; 2009 and newer model year diesel powered motor vehicles are allowed one unready monitor.
- (c) A vehicle which previously failed with either a catalyst or evaporative Diagnostic Trouble Code must have their respective monitor in a ready status to pass a subsequent retest. The vehicle will be allowed one or two unready monitors depending on the model year, but an unready catalyst or evaporative monitor cannot be one of them.
- (d) Vehicle OBD systems deviating from manufacturer's design or intended operation will fail for:
- (A) Malfunctions of the OBD systems triggering the Malfunction Indicator Light commanded on.
- (B) A missing, broken or inaccessible Data Link Connector port.
- (C) Low or missing vehicle battery voltage from the Data Link Connector port.
- (D) Vehicle OBD data that does not match original manufacturer's OBD data.
- (E) The OBD system VIN does not match the vehicle VIN labeling unless recognized by DEQ as a known unresolvable manufacture defect.
- (F) The OBD system fails to properly communicate.

(e) When light duty 1996 – 1998 vehicles that DEQ knows have manufacture readiness issues have three or more unready monitors and do not fail OBD systems criteria in section (2)(d)(A-F), DEQ will test those vehicles with a basic test following OAR 340-256-0340.

(3) The Director or the Director's delegate may grant a waiver from one or more of the requirements or criteria listed in sections (1) and (2) for vehicle classes that DEQ determines present prohibitive inspection problems meeting the requirements or criteria of sections (1) and (2) if DEQ deems the motor vehicle pollution control system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 17-2000, f. & cert. ef. 10-25-00

340-256-0356

Emission Control System Inspection: Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships

This rule documents the on-site motor vehicle emissions test method for automobile dealerships. The on-site vehicle test will be performed in accordance with OAR 340-256-0355, the Vehicle Inspection Program Inspection and Maintenance Policies and Procedure Number 226.00. The test will be performed by DEQ using DEQ testing equipment and conducted at the dealership location. The test program applies to manufacturer franchise automobile dealerships only, as defined in ORS 650.120(1). Dealerships may use either on-site testing or the centralized DEQ test stations, or DEQ authorized OBD devices.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 11-2001, f. & cert. ef. 10-4-01

340-256-0357

Emission Control System Inspection: Emissions Control Test Method for Clean-Screening Testing Program

This rule documents the Clean-Screening test method.

(1) The Department DEQ may evaluate emissions of vehicles on the roadway using an optical attenuation method of observing actual pollutant emissions, remotely received electronic broadcasts of the vehicles' emissions diagnostic data, or other means approved under section (5) of this rule.

(2) A vehicle that meets the Department DEQ's emissions standards for on-road testing within a time period not to exceed one year from its required registration date will be issued a Certificate of Compliance without being required to pass the emissions inspection station test otherwise required.

(3) Before implementing Clean-Screening Testing under this rule, the Department DEQ must conduct a rulemaking to establish specific testing processes, in the Department's policies, and procedures documents, including:

- (a) The test technique to be used for On-Road Clean-Screening Testing;
- (b) The valid test period of On-Road Clean-Screening Testing;
- (c) Procedures for identifying an on-road vehicle;
- (d) Procedures for protecting the test process from vandalism and cheating; and

(e) Testing standards for Clean-Screen~~ing testing~~.

(4) If ~~the Department~~DEQ uses the optical attenuation method for Clean-Screen~~ing Testing~~, 1975 and newer model year vehicles are eligible for Clean-Screen~~ing testing~~. If ~~the Department~~DEQ uses broadcast data from vehicles' ~~emissions diagnostic~~ODB systems for Clean-Screen~~ing Testing~~, 1996 and newer model year vehicles are eligible for Clean-Screen~~ing Testing~~.

(5) ~~The Department~~If DEQ may develops and implements additional test methods for use in the Clean-Screen~~ing Testing~~ program. ~~Before implementing such test methods, the Department~~DEQ must develop documentation that such method will provide equal or greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

Statutory/Other Authority: ORS ~~467.030 &~~ 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.350 - 468A.420

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

340-256-0358

Emission Control System Inspection: Emissions Control Test Method for Self-Service Testing Program

This rule documents the Self-Service test method.

(1) ~~The Department~~DEQ may provide a testing method whereby the vehicle owner or ~~his or her~~their representative will perform the emissions test. The test performed will be either a remote sensing optical quantification of the tailpipe pollutants, a remote or computer connected OBD test, or other means approved under section (4) of this rule.

(2) Before implementing Self-Service Testing under this rule, ~~the Department~~DEQ must establish specific Self-Service Testing processes in ~~the Department~~DEQ's policies and procedures documents, including:

(a) The test techniques to be used for Self-Service Testing;

(b) Procedures for identifying the ~~Self Service Test~~ vehicle that will be subjected to Self-Service testing;

(c) Procedures for protecting the ~~Self-Service~~ test process from vandalism and cheating; and

(d) Testing standards for the Self-Service technique that will be used.

(3) If ~~the Department~~DEQ uses the optical attenuation method for Self-Service Testing, 1975 and newer model year vehicles are eligible for Self-Service Testing. If ~~the Department~~DEQ uses broadcast data or hardwire cable connection from vehicles' ~~emissions diagnostic~~ODB systems for Self-Service Testing, 1996 and newer model year vehicles are eligible for Self-Service Testing.

(4) ~~The Department~~If DEQ may develops and implements additional test methods for use in the Self-Service Testing program.Before implementing such test methods, the DepartmentDEQ must develop documentation that such method will provide equal or greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

Statutory/Other Authority: ORS ~~467.030 &~~ 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.350 - 468A.420

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

340-256-0360

Emission Control System Inspection: Motorcycle Noise Emission Control Test Method

(1) ~~The vehicle is to be in neutral gear with the brake engaged. If the vehicle has no neutral gear, the rear wheel shall be at least two inches clear of the ground.~~

(2) ~~The engine is to be accelerated to a speed equal to 45 percent of the red line speed. Redline speed is the lowest numerical engine speed included in the red zone on the motorcycle tachometer. If the redline speed is not available, the engine shall be accelerated to 50 percent of the speed at which the engine develops maximum rated net horsepower.~~

(3) ~~If it is judged that the vehicle may be emitting propulsion exhaust noise in excess of the noise standards of OAR 340-256-0430, adopted pursuant to ORS 467.030, then a noise measurement is to be conducted and recorded while the engine is at the speed specified in section (2) of this rule. A reading from each exhaust outlet shall be recorded at the raised engine speed.~~

(4) ~~If it is determined that the vehicle complies with OAR 340-256-0430, then, following receipt of the required fees, the Vehicle Emission Inspector shall issue the required Certificates of Compliance.~~

(5) ~~No Certificate of Compliance shall be issued unless the vehicle complies with all requirements of OAR 340-256-0300 through 340-256-0450 and those applicable provisions of ORS 467.030, 468A.350 to 468A.400, 803.350, and 815.295 to 815.325.~~

Statutory/Other Authority: ORS 467.030 & 468A.360

Statutes/Other Implemented: ORS 467.030

History:

~~DEQ 165 2018, minor correction filed 04/12/2018, effective 04/12/2018~~

~~DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0314~~

~~DEQ 25-1996, f. & cert. ef. 11-26-96, Renumbered from 340-024-0311~~

~~DEQ 4-1993, f. & cert. ef. 3-10-93~~

~~DEQ 17-1985, f. & ef. 12-3-85~~

~~DEQ 7-1985(Temp), f. 6-16-85, ef. 7-1-85~~

~~DEQ 24-1984, f. 11-19-84, ef. 7-1-85~~

340-256-0370

Emission Control System Inspection: Renewal of Registration for Light Duty Motor

Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon

Vehicles registered in the ~~boundaries described in OAR 340-204-0080 Portland Vehicle Inspection Area and Medford-Ashland AQMA that are being and~~ operated in another state ~~and are~~ at an address located at least 150 miles outside the Oregon border ~~shall must~~ comply with the following requirements:²⁻

- (1) For vehicles operated within another Environmental Protection Agency approved Inspection and Maintenance (I/M) program area, ~~the Department of Environmental Quality DEQ~~ shall establish reciprocity provisions to ensure motor vehicle compliance with the other state's I/M requirements. Compliance with the other state's I/M program requirements is equivalent to the issuance of a Certificate of Compliance.
- (2) For vehicles operated in another state, but not within another Environmental Protection Agency approved Inspection and Maintenance (I/M) area, ~~the Department of Environmental Quality DEQ~~ shall issue a temporary exemption from Oregon I/M Program testing requirements until ~~such time as~~ the vehicle returns to Oregon. Within 30 calendar days of the date the vehicle returns to Oregon it ~~shall be required to~~must comply with the Oregon I/M Program's test criteria, methods and standards.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0318

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

340-256-0380

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program

This rule documents the Basic Test criteria for light duty motor vehicles.

(1) ~~No-A~~ vehicle emission control test is not valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of the emission control tests conducted at state facilities, except for diesel motor vehicles, tests are invalid if the exhaust gas is diluted to such an extent that the sum of the ~~carbon monoxide CO~~ and ~~carbon dioxide CO2~~ concentrations recorded for the idle speed reading from an exhaust outlet is six percent or less, and~~s~~ on 1975 and newer model year vehicles with air injection systems~~s~~, seven percent or less.

(2) ~~No-A~~ vehicle emission control test is not valid if the engine idle speed exceeds the manufacturer's idle speed specifications by over 200 RPM.

(3)(a) ~~No-A~~ vehicle emission control test for a 1975 or newer model year vehicle is not valid if the gas cap or catalyst has been disconnected, plugged, or otherwise made inoperative in violation of ORS 815.305(1), except as noted in ORS 815.305(2) or as provided for by 40 CFR 85.1701–1709 (published July 1, 2003).

(b) ~~The Department~~DEQ may provide alternative criteria for those required under subsection (a) of this section if it determines that the component or an acceptable alternative is unavailable. ~~Such alternative criteria may be granted on the basis of the non-availability of the original part, replacement part, or comparable alternative solution.~~

(c) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not a violation of ORS 815.305 if ~~a reasonable basis exists for knowing~~DEQ determines that such use will not adversely affect emission control efficiency. ~~The Department will maintain a list of those parts that have been determined to adversely affect emission control efficiency;~~

(d) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part of system, is not a violation of ORS 815.305 if such part or system ~~has an Executive Order is on the list of "Modifications to Motor Vehicle Emission Control Systems Exempted Under California Vehicle Code Section 27156"~~ granted by the California Air Resources Board, is on the U.S. Environmental Protection Agency's list of "Certified to EPA Standards," ~~and/or the Department~~DEQ has determined after reviewing testing data that there is no decrease in the efficiency or effectiveness in the control of air pollution;

(e) Adjustments or alterations of particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not violations of ORS 815.305.

(4) A 1981 or newer model year vehicle that has been converted to operate on gaseous fuels is not in violation of ORS 815.305 when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 815.305.

(5) For a 1975 through 1980 model year vehicle in which the original engine has been replaced, if either the vehicle body or chassis original engine (per registration or title) or replacement engine (as manufactured) had a catalytic converter system, it must be present, intact, and operational before DEQ may issue a Certificate of Compliance ~~may be issued~~.

(6) For a 1981 or newer model year vehicle in which the original engine has been replaced, the emission test standards and applicable emissions control equipment for the year, make, and model of the vehicle body or chassis (per registration or title) or replacement engine, whichever is newer, apply. For those diesel powered vehicles that have been converted to operate on gasoline or gasoline equivalent fuel(s), the emission test standards and applicable emission control equipment for the year, make, and model of the gasoline equivalent powered engine as originally manufactured, for the vehicle body or chassis (per the registration) or replacement engine, whichever is newer, apply.

(7) For those vehicles registered or titled as a 1981 or newer model year that were assembled by other than a licensed motor vehicle manufacturer, such as an Assembled, Reconstructed, or Replica Vehicle, ~~Department DEQ~~ personnel must determine the applicable emission test standards based upon the vintage of the vehicle engine. The year of the engine is presumed to be that stated by the vehicle owner, unless ~~Department DEQ~~ personnel determine, after physical inspection, that the year of the engine is other than that stated by the owner.

(8) An imported nonconforming motor vehicle that has been imported under a certificate of conformity or modification/test procedure ~~pursuant to under~~ 40 CFR Part 85, Subpart P, ~~or has been granted an exemption under 40 CFR § 85.1511,~~ must comply with the emission control equipment requirements of such certificate or procedure.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 166-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0320

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88

DEQ 12-1985, f. & ef. 9-30-85

DEQ 6-1985, f. & ef. 5-1-85

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 12-1982, f. & ef. 7-21-82

DEQ 18-1980, f. & ef. 6-25-80

DEQ 6-1980, f. & ef. 1-29-80

DEQ 22-1979, f. & ef. 7-5-79

DEQ 9-1978, f. & ef. 7-7-78

DEQ 139, f. 6-30-77, ef. 7-1-77

DEQ 121, f. & ef. 9-3-76

DEQ 116(Temp), f. & ef. 7-27-76

DEQ 89, f. 4-22-75, ef. 5-25-75

340-256-0390

Emission Control System Inspection: Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria

This rule documents the heavy duty gasoline motor vehicle emission test criteria.

(1) ~~No-A~~ vehicle emission control test is not valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gasemissions being sampled by the gas analytical system.

For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust ~~gas emissions are~~ diluted to such an extent that the sum of the ~~carbon monoxide~~CO and ~~carbon dioxide~~CO₂ concentrations recorded for the idle speed reading from an exhaust outlet is six percent or less.

(2) ~~No-A~~ vehicle emission control test is not valid if the engine idle speed exceeds 1300 RPM.

(3)(a) ~~No-A~~ vehicle emission control test ~~for a 1981 or newer model vehicle~~ is not valid if the gas cap or catalyst has been disconnected, plugged, or otherwise made inoperative in violation of ORS 815.305(1), except as noted in 815.305(2).

(b) ~~The Department~~DEQ may provide alternative criteria for those required under subsection (a) of this section if it determines that the component or an acceptable alternative is unavailable. ~~Such alternative criteria may be granted on the basis of the non-availability of the original part, replacement part, or comparable need for an alternative solution.~~

(c) The use of a ~~non-~~original equipment aftermarket part (including a rebuilt part) as a replacement part is not a violation of ORS 815.305, if ~~a reasonable basis exists for knowing~~DEQ determines that such use will not adversely affect emission control efficiency. ~~The Department will maintain a list of those parts that have been determined to adversely affect emission control efficiency;~~

~~(d) The use of a nonoriginal equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part or system is not a violation of ORS 815.305, if such part or system is listed on the Department's exemption list;~~

~~(de)~~ Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not violations of ORS 815.305.

(4) A 1981 or newer model motor vehicle that has been converted to operate on gaseous fuels is in violation of ORS 815.305 if elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by 815.305.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 167-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 7-2005, f. & cert. ef. 7-12-05

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DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88
DEQ 12-1985, f. & ef. 9-30-85
DEQ 6-1985, f. & ef. 5-1-85
DEQ 19-1983, f. 11-29-83, ef. 12-31-83
DEQ 12-1982, f. & ef. 7-21-82
DEQ 22-1979, f. & ef. 7-5-79
DEQ 136, f. 6-10-77, ef. 7-1-77

340-256-0400

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Standards for Basic Program

This rule documents the standards not to be exceeded for light duty motor vehicles that undergo the Basic emission test.

- (1) Light Duty Diesel Motor Vehicle Emission Control Standards: ~~All~~—1.5% CO; ~~there is no~~ ~~No~~ HC Check~~standard~~.
- ~~(2) Light Duty Gasoline Motor Vehicle Emission Control Standards: Two Stroke Cycle: All 7.0% CO — No HC Check.~~
- ~~(23) Light Duty Gasoline Motor Vehicle Emission Control Standards: Four-Stroke Cycle — Passenger Cars:~~
- (a) 1975–1980 Model Year:
- (A) With Catalyst: ~~All~~—1.0% CO ~~and~~— 220 ppm HC;
- (B) Without Catalyst: ~~All~~—2.5% CO ~~and~~— 300 ppm HC.
- (b) 1981 and Newer Model Year: ~~All~~:
- ~~(A) At idle — 1.0% CO —~~and~~ 220 ppm HC;~~
- ~~(B) At 2,500 RPM — 1.0% CO — 220 ppm HC.~~
- ~~(43) Light Duty Gasoline Motor Vehicle Emission Control Standards — Light Duty Trucks:~~
- (a) 6,000 GVWR or less:
- (A) 1975–1980 Model Year:
- (i) With Catalyst: ~~All~~—1.0% CO ~~and~~— 220 ppm HC;
- (ii) Without Catalyst: ~~All~~—2.5% CO ~~and~~— 300 ppm HC.
- (B) 1981 and Newer Model Year: ~~All~~:
- ~~(i) At idle — 1.0% CO ~~and~~— 220 ppm HC;~~

(ii) At 2,500 rpm — 1.0% CO — 220 ppm HC.

(b) 6,001 to 8,500 GVWR:

(A) 1975–1978 Model Year: All — 2.5% CO and — 300 ppm HC;

(B) 1979–1980 Model Year:

(i) With Catalyst: All — 1.0% CO and — 220 ppm HC;

(ii) Without Catalyst: All — 2.5% CO and — 300 ppm HC.

(C) 1981 and Newer: All:

(4) aAt idle — 1.0% CO — and 220 ppm HC;

(5) Gross HC emissions exceed the applicable model year HC standard by a factor of three (3).

(ii) At 2,500 rpm — 1.0% CO — 220 ppm HC.

(6) There shall be no visible emissions must not occur during the steady-state unloaded and raised rpm engine idle portions of the a gasoline engine emission test from either the vehicle's exhaust system or the engine crankcase. In the case of For a diesel engine emissions test, s and two stroke cycle engines, the allowable visible emissions shall be no greater than must not exceed 20% opacity.

(7) The Director or Director's delegate may establish specific separate grant a waiver from standards, differing from those listed in sections (1)–(5) of this rule for vehicle classes which that DEQ determines are determined to present prohibitive inspection problems meeting using the listed standards in sections (1) – (6) if DEQ deems the motor vehicle pollution system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 168-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0330

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 16-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88

DEQ 18-1986, f. 9-18-86, ef. 10-1-86
DEQ 20-1981, f. 7-28-81, ef. 8-1-81
DEQ 15-1981(Temp), f. & ef. 5-6-81
DEQ 18-1980, f. & ef. 6-25-80
DEQ 22-1979, f. & ef. 7-5-79
DEQ 9-1978, f. & ef. 7-7-78
DEQ 139, f. 6-30-77, ef. 7-1-77
DEQ 121, f. & ef. 9-3-76
DEQ 116(Temp), f. & ef. 7-27-76
DEQ 89, f. 4-22-75, ef. 5-25-75

340-256-0410

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Standards for Enhanced Program

(1) Grams Per Mile (GPM) for Light Duty Passenger Cars (LDPC):

(a) Model Year — 1996 and Newer:

- (A) Hydrocarbons (HC) — 0.9;**
(B) Carbon Monoxide(CO) — 20;
(C) Oxides of Nitrogen (NO_x) — 2.25.

(b) Model Year — 1983—1995:

- (A) Hydrocarbons (HC) — 1.2;**
(B) Carbon Monoxide(CO) — 30;
(C) Oxides of Nitrogen (NO_x) — 3.00.

(c) Model Year — 1981—1982:

- (A) Hydrocarbons (HC) — 1.2;**
(B) Carbon Monoxide(CO) — 60;
(C) Oxides of Nitrogen (NO_x) — 3.00.

(2) Grams Per Mile (GPM) for Light Duty Truck 1 (LDT1) 6,000 GVWR or Less:

(a) Model Year — 1996 and Newer 3750 Loaded Vehicle Weight or Less:

- (A) Hydrocarbons (HC) — 0.9;**
(B) Carbon Monoxide(CO) — 20;

(C) Oxides of Nitrogen (NOx) — 2.25.

(b) Model Year — 1996 and Newer 3751 Loaded Vehicle Weight or More:

(A) Hydrocarbons (HC) — 1.2;

(B) Carbon Monoxide (CO) — 26;

(C) Oxides of Nitrogen (NOx) — 2.70.

(c) Model Year — 1988–1995:

(A) Hydrocarbons (HC) — 2.4;

(B) Carbon Monoxide (CO) — 80;

(C) Oxides of Nitrogen (NOx) — 3.75.

(d) Model Year — 1984–1987:

(A) Hydrocarbons (HC) — 2.4;

(B) Carbon Monoxide (CO) — 80;

(C) Oxides of Nitrogen (NOx) — 6.75.

(e) Model Year — 1981–1983:

(A) Hydrocarbons (HC) — 5.1;

(B) Carbon Monoxide (CO) — 140;

(C) Oxides of Nitrogen (NOx) — 6.75.

(3) Grams Per Mile (GPM) for Light Duty Truck 2 (LDT2) 6,001 to 8,500 GVWR:

(a) Model Year — 1996 and Newer 5750 Loaded Vehicle Weight or Less:

(A) Hydrocarbons (HC) — 1.2;

(B) Carbon Monoxide (CO) — 26;

(C) Oxides of Nitrogen (NOx) — 2.70.

(b) Model Year — 1996 and Newer 5751 Loaded Vehicle Weight or More:

(A) Hydrocarbons (HC) — 1.2;

(B) Carbon Monoxide (CO) — 30;

~~(C) Oxides of Nitrogen (NO_x) — 3.00.~~

~~(e) Model Year — 1988–1995:~~

~~(A) Hydrocarbons (HC) — 2.4;~~

~~(B) Carbon Monoxide (CO) — 80;~~

~~(C) Oxides of Nitrogen (NO_x) — 5.25.~~

~~(d) Model Year — 1984–1987:~~

~~(A) Hydrocarbons (HC) — 2.4;~~

~~(B) Carbon Monoxide (CO) — 80;~~

~~(C) Oxides of Nitrogen (NO_x) — 6.75.~~

~~(e) Model Year — 1981–1983:~~

~~(A) Hydrocarbons (HC) — 5.1;~~

~~(B) Carbon Monoxide (CO) — 140;~~

~~(C) Oxides of Nitrogen (NO_x) — 6.75.~~

~~(4) The Director may establish specific separate standards, differing from those listed in sections (1)–(3) of this rule for vehicle classes which are determined to present prohibitive inspection problems using the listed standards.~~

Statutory/Other Authority: ORS 468A.360 & 468A.363

Statutes/Other Implemented: ORS 468A.350–468A.385

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0332

DEQ 25-1996, f. & cert. ef. 11-26-96

340-256-0420

Emission Control System Inspection: Heavy-Duty Gasoline Motor Vehicle Emission Control Standards

This rule documents the standards not to be exceeded for heavy duty gasoline vehicle emission tests.

(1) ~~Carbon monoxide~~ CO idle emission values ~~not to be exceeded~~:

(a) 1975–1978 Model Year: 4.0%;

(b) 1979 and Newer Model Year without catalyst: 3.0%;

- (c) 1985 and Newer Model Year with catalyst: 1.0%.
- (2) Gross CO emissions exceed the applicable model year CO standard by a factor of one and one-half (1.5).
- (2) Carbon Monoxide nominal 2,500 rpm emission values not to be exceeded:
- (a) 1975 and Newer Model Year without catalyst with carburetor: 3.0%;
- (b) 1975 and Newer Model Year without catalyst with fuel injection: No Check;
- (c) 1985 and Newer Model Year with catalyst: 1.0%.
- (3) Hydrocarbon idle emission values not to be exceeded:
- (a) 1975–1978 Model Year: 500 PPM;
- (b) 1979 and Newer Model Year without catalyst: 350 PPM;
- (c) 1985 and Newer Model Year with catalyst: 220 PPM.
- (4) Gross HC emissions exceed the applicable model year HC standard by a factor of three (3).
- (4) Hydrocarbon nominal 2,500 rpm emission values not be exceeded: 1985 and Newer Model Year with catalyst: 220 PPM.
- (5) There shall be no visible emission must not occur during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.
- (6) The Director may establish specific separate grant a waiver from standards, differing from those listed in sections (1)–(4) of this rule for vehicle classes which are that DEQ determines to present prohibitive inspection problems using meeting the listed standards in sections (1)–(4) if DEQ deems the motor vehicle pollution system otherwise meets the standards of this Division.
- [NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]
- Statutory/Other Authority:** ORS 468A.360
- Statutes/Other Implemented:** ORS 468A.360
- History:**
- DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0335
- DEQ 25-1996, f. & cert. ef. 11-26-96
- DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
- DEQ 16-1993, f. & cert. ef. 11-4-93
- DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 18-1986, f. 9-18-86, ef. 10-1-86
DEQ 20-1981, f. 7-28-81, ef. 8-1-81
DEQ 15-1981(Temp), f. & ef. 5-6-81
DEQ 18-1980, f. & ef. 6-25-80
DEQ 22-1979, f. & ef. 7-5-79
DEQ 9-1978, f. & ef. 7-7-78
DEQ 136, f. 6-10-77, ef. 7-1-77

340-256-0430

Emission Control System Inspection: Motor Vehicle Propulsion Exhaust Noise Standards

(1) ~~Light duty motor vehicle propulsion exhaust noise levels not to be exceeded as measured at no less than 20 inches from any opening to the atmosphere downstream from the exhaust ports of the motor vehicle engine: Vehicle — Type Maximum Allowable Noise Level:~~

- (a) ~~All front engine vehicles~~ — 93 dBA;
(b) ~~All rear and midengine vehicles~~ — 95 dBA.

(2) ~~Motorcycle propulsion exhaust noise levels not to be exceeded as measured at no less than 20 inches from any opening to the atmosphere downstream from the exhaust ports of the motorcycle engine: Model Year — Maximum Allowable Noise Level:~~

- (a) ~~Pre 1976~~ — 102 dBA;
(b) ~~1976 and newer~~ — 99 dBA.

(3) ~~The Director may establish specific separate standards, differing from those listed in sections (1) and (2) of this rule, for vehicle classes which are determined to present prohibitive inspection problems using the listed standard.~~

Statutory/Other Authority: ORS 467.030 & 468A.360

Statutes/Other Implemented: ORS 467.030

History:

~~DEQ 169-2018, minor correction filed 04/12/2018, effective 04/12/2018~~

~~DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0337~~

~~DEQ 25-1996, f. & cert. ef. 11-26-96~~

~~DEQ 4-1993, f. & cert. ef. 3-10-93~~

~~DEQ 6-1985, f. & ef. 5-1-85~~

~~DEQ 24-1984, f. 11-19-84, ef. 7-1-85~~

~~DEQ 23-1984, f. 11-19-84, ef. 4-1-85~~

340-256-0440

Emission Control System Inspection: Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates

(1) Five separate classes of licenses are ~~established as follows~~:

- (a) Private Business Fleet;
- (b) Public Agency Fleet;
- (c) Private Business Fleet Vehicle Emission Inspector;
- (d) Public Agency Fleet Vehicle Emission Inspector;
- (e) Vehicle Emission Inspector.

(2) ~~A applicant for a license must be completed on a form that DEQ provides by the Department.~~

(3)(a) Each fleet's license is valid for not more than ~~a one-year period~~ and expires on December 31 of each year unless revoked, suspended, or returned to ~~the Department DEQ~~;

(b) Each Inspector's license is valid for not more than ~~a two-year period~~ and expires on December 31 of every other year unless revoked, suspended, or returned to ~~the Department DEQ~~.

(4) ~~The Department DEQ~~ will not issue any license until the applicant has fulfilled all requirements and paid the required fee.

(5) ~~No A~~ license is not transferable.

(6) ~~Each DEQ may renew a license if the applicant submits an application and renewal fee may be renewed upon application and receipt of renewal fee if the application for renewal is made within the 30 days period prior to before the license's expiration date and the applicant complies with all other licensing requirements.~~

(7) ~~A license DEQ may be suspended, revoked, or not renewed a license if the licensee has violated this Division, ORS 468A.350 to 468A.400, or 815.295 to 815.325.~~

(8) A Private Business Vehicle Emission Inspector or Public Agency Fleet Vehicle Emission Inspector license is valid only for inspection of and execution of Certificates of Compliance for motor vehicle pollution control systems and motor vehicles of the Private Business Fleet or Public Agency Fleet that employs the Private Business Fleet Vehicle Emission Inspector or Public Agency Fleet Vehicle Emission Inspector on a full time basis. ~~The Department DEQ~~ may authorize a Public Agency Fleet Vehicle Emission Inspector to perform inspections and execute Certificates of Compliance for vehicles of other governmental agencies if the inspector has contracted with that agency for that service and the Director approves the contract.

(9) To initially receive or renew a license as a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector or a Vehicle Emission Inspector, the applicant must be an employee of a Private Business Fleet, a Public Agency

| Fleet, the DEQ Vehicle Inspection Program ~~of the Department~~, or an employee of an Independent Contractor and submit a completed application. All Inspectors must receive formal training and be licensed or certified to perform inspections pursuant to~~under~~ this Division. The duration of the training program for persons employed by a Private Business Fleet or a Public Agency Fleet must be at least 16 hours.

(a) Training.

(A) Inspector training must include the following subjects:

- (i) The air pollution problems, its causes and effects;
- (ii) The purpose, function and goal of the inspection program;
- (iii) Inspection regulations and procedures;
- (iv) Technical details of the test procedure and the rationale for their design;
- (v) Test equipment operation, calibration and maintenance;
- (vi) Emission control device function, configuration and inspection;
- (vii) Quality control procedures and their purpose;
- (viii) Public relations;
- (ix) Safety and health issues related to the inspection process; and
- (x) OBD test systems.

(B) In order to complete the training requirement, a trainee must pass (minimum of 80% correct responses) a written test covering all aspects of the training. In addition, a hands-on test must be administered in which the trainee demonstrates without assistance the ability to conduct a proper inspection, to properly utilize equipment and to follow other procedures. Inability to properly conduct all test procedures shall constitute failure of the test. ~~The Department~~DEQ will take appropriate steps to insure the security and integrity of the testing process.

(b) Licensing and certification.

(A) ~~All Inspectors~~DEQ must ~~be either~~ licensed or certif~~yied by the Department in order to~~all inspectors before they may perform official inspections.

(B) Completion of Inspector training and passing required tests is a condition of licensing or certification.

(C) Inspector licenses and certificates are valid for no more than 2 years, at which point refresher training and testing are required before renewal. Alternative approaches based on

more comprehensive skill examination and determination of Inspector competency may be used.

(D) Licenses and certificates are not a legal right, but rather, are a privilege bestowed by the Department and conditional upon adherence to ~~Department DEQ~~ requirements.

(c) Enforcement against Inspectors:~~:~~ Any violations of procedures in this Division are subject to ~~the Department DEQ~~'s enforcement procedures.

~~(A) Whenever an Inspector intentionally improperly passes a vehicle for any required portion of the test, the Department will either suspend the Inspector for at least 6 months or assess a penalty equivalent to the Inspector's salary for the same time period.~~

~~(B)~~ License or certificate suspension or revocation ~~means prohibits~~ the individual ~~is barred~~ from direct or indirect involvement in any inspection operation during the term of the suspension or revocation.

(10) To be licensed as a Private Business Fleet or a Public Agency Fleet, the applicant must:

(a) Employ on a full time basis a Private Business Fleet Vehicle Emission Inspector; or;

(b) Employ on a full time basis a Public Agency Fleet Vehicle Emission Inspector; and

(c) Be equipped with ~~a~~ gas analytical system complying with criteria established in OAR 340-256-0450~~or 340 256 0460~~.

~~(d) Be equipped with a sound level meter conforming to "Requirements for Sound Measuring Instruments and Personnel" (NPCS-2) manual, revised September 15, 1974, of this Department.~~

~~(de) If 1996 and newer model year light duty vehicles are a part of the self-inspected fleet of vehicles, the fleet must be equipped by January 1, 2001 with a scan tool for downloading vehicle OBD emissions data with criteria established in OAR 340-256-0465.~~

(11) ~~No~~A person licensed as a Private Business Fleet or Public Agency Fleet may ~~not~~ advertise or represent ~~himself themselves~~ as being licensed to inspect motor vehicles to determine compliance with the criteria and standards of OAR 340-256-0380 and 340-256-0400.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

[DEQ 170-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 17-2000, f. & cert. ef. 10-25-00

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DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 19-1983, f. 11-29-83, ef. 12-31-83
DEQ 12-1982, f. & ef. 7-21-82
DEQ 6-1980, f. & ef. 1-29-80
DEQ 14-1978, f. & ef. 10-3-78
DEQ 9-1978, f. & ef. 7-7-78
DEQ 3-1978, f. 3-1-78, ef. 4-1-78
DEQ 136, f. 6-10-77, ef. 7-1-77
DEQ 89, f. 4-22-75, ef. 5-25-75

340-256-0450

Emission Control System Inspection: Gas Analytical System Licensing Criteria for Basic Program

This rule documents licensing criteria for use of gas analytical systems in the Basic test method.

(1) Test equipment. Computerized test systems are required equipment for performing any measurement on subject vehicles. Performance features of computerized test systems. The test equipment shall must be certified to meet the requirements and performance features contained in 40 CFR Part 51 Appendix D (November 5, 1992) and new equipment shall must be subjected to acceptance test procedures to ensure compliance with Oregon I/M pProgram specifications.

(a) Emission test equipment shall must be capable of testing all subject vehicles and shall be updated from time to time to accommodate new technology vehicles as well as changes to the Vehicle Inspection Oregon I/M Program.

(b) At a minimum, emission test equipment must be:

(A) Shall be Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(B) Shall be Secure from tampering and/or abuse;

(C) Shall be Based upon written specifications; and

(D) Shall Cbe ecapable of simultaneously sampling dual exhaust vehicles.

(c) The vehicle owner or driver must shall be provided with a computer-generated record of test results, including all of the items listed in 40 CFR Part 85, subpart W, as being required on the test record. The test report shall must include:

(A) A vehicle description, including license plate number, vehicle identification numberVIN, and odometer reading;

- (B) The date and time of the test;
 - (C) The name or identification number of individual(s) performing the tests and the location of the test station and lane;
 - (D) The type of test performed, including emission tests, visual checks for the presence of emission control components, and functional, evaporative checks;
 - (E) The applicable test standards;
 - (F) A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act (1990);
 - (G) Certification that tests were performed in accordance with the regulations of this Division; and
 - (H) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.
- (2) Functional characteristics of computerized test systems. The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.
- (a) The test system must shall automatically:
 - (A) Make a pass or fail decision for all measurements;
 - (B) Record test data to an electronic medium;
 - (C) Conduct regular self-testing of recording accuracy;
 - (D) Perform electrical calibration and system integrity checks before each test, as applicable; and
 - (E) Initiate system lockouts for:
 - (i) Tampering with security aspects of the test system;
 - (ii) Failing to conduct or pass periodic calibration or leak checks; and
 - (iii) A full data recording medium or one that does not pass a cyclical redundancy check.
 - (b) The test system must shall ensure accurate data collection by limiting, cross-checking; and/or confirming manual data entry.
 - (3) Gas analytical systems used by Private Business Fleets or Public Agency Fleets must meet the criteria established in this rule by not later than January 1, 1998.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0355

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

340-256-0460

Emission Control System Inspection: Gas Analytical System Licensing Criteria for Enhanced Program

(1) ~~Light Duty vehicles described in OAR 340-256-0300(1)(a)(B) may be tested with a gas analytical system that meets the equipment specification described in the United States Environmental Protection Agency (EPA) High Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications, April 1994. This equipment is referred to as Laboratory Grade Inspection/Maintenance 240 (IM240) testing equipment.~~

(2) ~~Alternatively, gas analytical systems meeting the EPA "Inspection Grade" (IG) criteria may be utilized. This system, capable of duplicating the IM240 driving cycle, consists of four main pieces of equipment:~~

(a) Computer system;

(b) Infrared exhaust gas analyzer capable of measuring at least CO, CO₂, HC and NO_x;

(c) CVS system to capture exhaust flow during testing needed to convert the grams per mile readings and fuel economy; and

(d) A dynamometer capable of simulating the IM240 driving cycle.

(3) ~~Gas analytical systems used by Private Business Fleets or Public Agency Fleets must meet the criteria established in this rule by not later than July 1, 1998.~~

{Publications: Publications referenced are available from the agency.}

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0357

DEQ 25-1996, f. & cert. ef. 11-26-96

340-256-0465

Emission Control System Inspection: Test Equipment Licensing Criteria for OBD Test Program

This equipment must contain the standard terminal Diagnostic Link Connector for OBD systems and be capable of the following:

- (1) Making an automatic pass/fail decision based on malfunction indicator light observations and vehicle OBD system download;
- (2) Transferring electronic vehicle test result to the VIP central data server for emissions data;
- (3) Meeting additional fleet operations specifications as DEQ prescribed by the Department.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 17-2000, f. & cert. ef. 10-25-00

340-256-0470

Emission Control System Inspection: Agreement With Independent Contractor; Qualifications of Contractor; Agreement Provisions

(1) The Director is authorized to enter into an emissions inspection agreement with one or more independent contractors, subject to public bidding, to provide for the construction, equipment, establishment, maintenance and operation of any emissions inspection stations or activities in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities for the purpose of obtaining compliance with rules contained in this Division.

(2) The Director is prohibited from entering into an emissions inspection agreement with any independent contractor who:

(a) Is engaged in the business of manufacturing, selling, maintaining or repairing vehicles, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor;

(b) Does not have the capability, resources or technical and management skill to adequately construct, equip, operate or maintain a sufficient number of emissions inspection stations to meet the demand for inspection of every vehicle which is required to be submitted for inspection pursuant to this Division.

(3) All persons employed by the independent contractor in the performance of an emissions inspection agreement are employees of the independent contractor and not of this state. An

employee of the independent contractor shall not wear any badge, insignia, patch, emblem, device, word or series of words which would tend to indicate that such person is employed by this state. Employees of the independent contractor are specifically prohibited under this subsection from wearing the flag of this state, the words "state of Oregon," the words "emissions inspection program" or any similar emblem or phrase.

(4) The emissions inspection agreement authorized by this rule shall contain at least the following provisions:

- (a) A contract term or duration of not more than ten years with reasonable compensation to the contractor if the provisions of this rule are repealed during the ten-year term;
- (b) That nothing in the agreement or contract requires the state to purchase any asset or assume any liability if such agreement or contract is not renewed;
- (c) The minimum requirements for adequate staff, equipment, management and hours and place of operation of emissions inspection stations;
- (d) The submission of such reports and documentation concerning the operation of emissions inspection stations as the Director and the Attorney General may require;
- | (e) Surveillance by the Department of Environmental Quality DEQ and the Department of Administrative Services to ensure compliance with vehicle emissions testing standards, procedures, rules and laws;
- (f) The right of this state, upon providing reasonable notice to the independent contractor, to terminate the contract with the independent contractor and to assume operation of the vehicle emissions inspection program;
- (g) The right of this state upon termination of the term of the agreement or upon assumption of the operation of the program to have transferred and assigned to it for reasonable compensation any interest in land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;
- (h) The right of this state upon termination of the term of the agreement or assumption of the operation of the program to have transferred and assigned to it any contract rights, and related obligations, for land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;
- (i) The obligation of the independent contractors to provide in any agreement to be executed by them, and to maintain in any agreements previously executed by them, for land, buildings, improvements, equipment, parts, tools and services used in their operation of the program for the right of the independent contractors to assign to this state any of their rights and obligations under such contract;
- (j) The amounts of liquidated damages payable by this state to the independent contractor if the state exercises its right to terminate the contract at the conclusion of the first, second, third or fourth year of the contract pursuant to section (f) of this rule. The damages

recoverable by the independent contractor if the state exercises its right to terminate the contract shall be limited to the liquidated damages specified in the contract;

(k) Any other provision deemed necessary by the Department of Administrative Services for enforcement of the emissions inspection agreement.

| (5) In conjunction with the Attorney General and the Department of Administrative Services, ~~the Department of Environmental Quality~~ DEQ shall establish bid specifications or contract terms for a contract with an independent contractor as provided in this rule, review bids for award of a contract with the independent contractors and negotiate any terms of a contract with the independent contractors.

(6) Before entering into any contract the Director shall inquire into the marketplace of independent contractors and based upon this review shall select the independent contractor who in the sole discretion of the Director is best qualified to perform the duties required by this rule and can be operational on January 1, 1998. After a contract is awarded to an independent contractor, the Director may modify the contract with the independent contractor to allow the contractor and the state to comply with amendments to applicable statutes or rules. This modification is exempt from public bidding and may include the addition, deletion or alteration of any contract provision in order to make compliance feasible, including inspection fees and services rendered. Provisions relating to contract term or duration may be amended, except that the term or duration of the contract shall not be extended more than three and one-half years beyond the term of the original contract as awarded. If the Director cannot negotiate an acceptable modification of the contract, the state may terminate the contract.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468.020 & 468A.363

Statutes/Other Implemented: ORS 468A.363

History:

[DEQ 171-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0360

DEQ 25-1996, f. & cert. ef. 11-26-96



State of Oregon Department of Environmental Quality

Vehicle Inspection Program Updates 2020

Draft Rules – Edits Incorporated

Division 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the State Implementation Plan (SIP) of the State of Oregon under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on November 19-20, 2020.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the EPA any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 C.F.R. 51.102; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)

[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)

[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)

[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
[DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018](#)
[DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018](#)
[DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018](#)
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08
DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04

DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96
DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
DEQ 15-1996, f. & cert. ef. 8-14-96
DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
DEQ 20-1991, f. & cert. ef. 11-13-91
DEQ 19-1991, f. & cert. ef. 11-13-91
DEQ 2-1991, f. & cert. ef. 2-14-91
DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88
DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86
DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80

DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 256

MOTOR VEHICLES

[340-256-0010](#)

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, and this rule apply to this division. If this rule defines the same term as OAR 340-200-0020 or 340-204-0010, the definition in this rule applies in this division.

- (1) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle mode as described in OAR 340-256-0340.
- (2) "CO₂" means a chemical formula representing the compound carbon dioxide.
- (3) "CO" means a chemical formula representing the compound carbon monoxide.
- (4) "Certificate of Compliance" means a hard copy or electronic document stating that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules. A certificate of compliance is issued by a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by DEQ, or an Independent Contractor.
- (5) "Clean-Screening" means a procedure by which DEQ determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional emissions inspection station test. DEQ's decision may be the result of remotely sensing the emissions, the status of emissions equipment, or another means determined by DEQ.
- (6) "Commission" means the Environmental Quality Commission.
- (7) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.
- (8) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(9).
- (9) "DEQ" means the Department of Environmental Quality.
- (10) "Diesel motor vehicle" means a motor vehicle powered by a stratified charge compression-ignition internal combustion engine.

- (11) "Director" means the director of DEQ.
- (12) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.
- (13) "Emissions" means gas or vapor released to the atmosphere from a motor vehicle component or resulting from fuel combustion within a motor vehicle engine.
- (14) "Emissions Inspection Station" means a facility, operated by DEQ or an Independent Contractor, for the purpose of conducting emissions inspections of vehicles required to be inspected under this Division.
- (15) "Exhaust emissions" means substances emitted into the atmosphere from any opening downstream of the exhaust ports of a motor vehicle engine.
- (16) "Factory-installed motor vehicle pollution control system" means a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with United States motor vehicle emission control laws and regulations published in the Code of Federal Regulations, 40 C.F.R. Parts 85 and 86.
- (17) "Franchised" means a sale entity licensed by the DMV and under an agreement as defined in ORS 650.120(5) to sell motor vehicles.
- (18) "Gas analytical system" means a device that measures the amount of contaminants in the exhaust emissions of a motor vehicle and that has been issued a license by DEQ under OAR 340-256-0450 and ORS 468A.380.
- (19) "Gaseous fuel" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.
- (20) "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.
- (21) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a vehicle.
- (22) "Heavy duty motor vehicle" means any motor vehicle with a GVWR greater than 8,500 pounds.
- (23) "HC" is an abbreviation that means hydrocarbon.
- (24) "Hydrocarbon" means a class of chemical compounds consisting of hydrogen and carbon.
- (25) "Idle speed" means the engine speed when accelerator pedal is fully released.
- (26) "Imported vehicle" means a vehicle legally imported from another country through channels other than the maker's official distribution system.

(27) "Independent Contractor" means any person with whom DEQ enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities under ORS 468A.370 and these rules.

(28) "Inspection and Maintenance Program or I/M Program" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the motor vehicle exhaust and an inspection of the motor vehicle pollution control system, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing motor vehicle pollution control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the motor vehicle pollution control systems function as intended and to reduce tailpipe emissions of air contaminants.

(29) "In-use motor vehicle" means any motor vehicle that is not a new motor vehicle.

(30) "Light-duty motor vehicle" means any motor vehicle with a GVWR of 8,500 pounds or less.

(31) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production of the vehicle or engine begins.

(32) "Motor vehicle" or "vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(33) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

(34) "Motor Vehicle Fleet Operation" means ownership, control, management or any combination thereof, by any person, of five or more motor vehicles.

(35) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who, in good faith, purchases the motor vehicle for purposes other than resale.

(36) "OBD" and "OBD-II" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the motor vehicle's pollution control system.

(37) "OBD Test" means an emissions test that downloads diagnostic information from the vehicle's OBD computer to evaluate the effectiveness of the motor vehicle pollution control system.

(38) "On-Site Vehicle Test" means an emissions test conducted at the vehicle owner's location.

(39) "Owner" means the person having all the incidents of ownership in a vehicle. Where the incidents of ownership are in different persons, it means the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of 10 or more successive days.

(40) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(41) "Permanent Fleet Vehicle" means a motor vehicle that the Oregon Department of Transportation identifies with permanent fleet tags, stickers, plates or other identification ODOT determines appropriate.

(42) "Person" means an individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

(43) "PPM" means parts per million by volume.

(44) "Private Business Fleet" means a group of 100 or more Oregon-registered, in-use, motor vehicles that are owned by any person, excluding those vehicles held primarily for the purpose of resale.

(45) "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet who possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

(46) "Public Agency Fleet" means a group of 50 or more government-owned vehicles registered under ORS 805.040.

(47) "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

(48) "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public, or dedicated or appropriated to public use.

(49) "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.

(50) "Remote Sensing" means a technique for determining the level of a vehicle's emissions without connecting equipment directly to the vehicle, done either by optically measuring the pollutants in the vehicle's exhaust plume, by remotely receiving a vehicle's emissions diagnostic information, or by other means determined by DEQ.

(51) "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May 1967, by the U.S. Department of Interior, Bureau of Mines, Information circular 8333.

(52) "RPM" means engine crankshaft revolutions per minute.

(53) "Self-Service Test" means a procedure for vehicle testing offered by DEQ where the vehicle owner or driver can perform an emissions test on the vehicle at a facility provided by DEQ using remote sensing, plug-in OBD emissions testing, or other means designated by DEQ.

(54) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor who possesses a current and valid license issued by the Department under OAR 340-256-0440 and ORS 468A.380.

(55) "VIN" or "Vehicle Identification Number" means a unique code including a serial number that identifies a specific vehicle.

(56) "Visible emissions" means those gases or particulates, excluding uncombined water, that separately or in combination are visible upon release to the outdoor atmosphere.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.400

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0005 & 340-024-0305

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 23-1984, f. 11-19-84, ef. 4-1-85

DEQ 12-1982, f. & ef. 7-21-82

DEQ 18-1980, f. & ef. 6-25-80

DEQ 22-1979, f. & ef. 7-5-79

DEQ 9-1978, f. & ef. 7-7-78

DEQ 139, f. 6-30-77, ef. 7-1-77

DEQ 89, f. 4-22-75, ef. 5-25-75

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0100

Visible Emissions: General Requirements, Exclusions

(1) A person may not operate, drive, or cause or permit to be driven or operated any motor vehicle upon public roads that emits into the atmosphere any visible emission.

(2) Excluded from this rule are those motor vehicles:

- (a) Powered by diesel cycle engines;
 - (b) Granted a variance by written order of DEQ under ORS 468A.075.
- (3) A person may not operate, drive, or cause or permit to be driven or operated any motor vehicle upon public roads if any element of the factory-installed motor vehicle pollution control system has been modified or altered in such a manner that decreases its efficiency or effectiveness in controlling air pollution in violation of ORS 815.305, except as noted in ORS 815.305(2).

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468, 468A & 815

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0010

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8, f. 4-7-70, ef. 5-11-70

340-256-0110

Visible Emissions: Special Requirements for Excluded Motor Vehicles

A person may not operate, drive, or cause or permit to be driven or operated upon a public street or highway, any motor vehicle excluded from OAR 340-256-0100 that:

- (1) When operated at an elevation of 3,000 feet or less, emits visible emissions into the atmosphere:
 - (a) Of an opacity greater than 10 percent; or
 - (b) Of an opacity 40 percent or greater for a period exceeding seven consecutive seconds.
- (2) When operated at an elevation over 3,000 feet, emits visible emissions into the atmosphere:
 - (a) Of an opacity greater than 20 percent; or
 - (b) Of an opacity of 60 percent or greater for a period exceeding seven consecutive seconds.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0015

DEQ 8, f. 4-7-70, ef. 5-11-70

[340-256-0130](#)

Visible Emissions: Motor Vehicle Fleet Operation

- (1) Motor vehicle fleet operation records pertaining to observations, tests, maintenance, and repairs performed to control or reduce visible emissions from individual motor vehicles must be available for DEQ review and inspection.
- (2) DEQ, by written notice, may require any motor vehicle of a motor vehicle fleet operation to be tested for compliance with OAR 340-256-0100 and 340-256-0110.
- (3) A regional authority, within its territory, may perform the functions of DEQ as set forth in sections (1) and (2) of this rule, upon written directive of DEQ permitting such action.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0025

DEQ 8, f. 4-7-70, ef. 5-11-70

[340-256-0140](#)

Visible Emissions: Dealer Compliance

A dealer may not sell, exchange or lease, or offer for sale, exchange, or lease, any motor vehicle that operates in violation of OAR 340-256-0100 or 340-256-0110, except as permitted by federal regulations published in the Code of Federal Regulations, 40 C.F.R. Parts 85 and 86.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0030

DEQ 8, f. 4-7-70, ef. 5-11-70

[340-256-0150](#)

Visible Emissions: Opacity Method of Measurement

Only a trained person may make the opacity observation for purposes of OAR 340-256-0100 through 340-256-0140. A trained person may use a Ringelmann Smoke Chart or DEQ approved opacity equipment to measure emission opacity.

[NOTE: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

[DEQ 191-2018, minor correction filed 07/18/2018, effective 07/18/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0035

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 8, f. 4-7-70, ef. 5-11-70

[340-256-0160](#)

Visible Emissions: Alternative Methods of Measuring Visible Emissions

(1) DEQ may, but is not required to, permit the use of alternative methods of measurement to determine compliance with the visible emissions standards in OAR 340-256-0100 and 340-256-0110 if DEQ determines that such alternative methods are demonstrated to be reproducible, selective, sensitive, accurate and applicable to a specific program. If DEQ permits the use of an alternative method of measurement, DEQ shall do so in writing in response to a request under section (2) of this rule.

(2) Any person desiring to utilize alternative methods of measurement must submit a request to use alternative methods of measurement to DEQ. A request must include such specifications and test data as DEQ may require, together with a detailed specific program for utilizing the alternative methods, sufficient to show that the alternative methods are reproducible, selective, sensitive, accurate, and applicable to a specific program. DEQ may require any additional documentation that it deems necessary.

(3) A person may not undertake a program using an alternative method of measurement without having obtained prior written approval of DEQ.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0040

DEQ 8, f. 4-7-70, ef. 5-11-70

[340-256-0200](#)

Certification of Pollution Control Systems: County Designations

Clackamas, Columbia, Jackson, Marion, Multnomah, Washington and Yamhill counties are hereby designated by the Environmental Quality Commission as counties in which all motor vehicles registered therein, unless otherwise exempted by statute or by rules subsequently adopted by the Commission, must be equipped with a motor vehicle pollution control system and must comply with motor vehicle emission standards adopted by the Commission.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360 & 468A.390

Statutes/Other Implemented: ORS 468A.390

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0100

DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 62, f. 12-5-73, ef. 12-25-73
DEQ 51, f. 3-20-73, ef. 4-1-73

[340-256-0210](#)

Certification of Pollution Control Systems: Criteria for Certification of Motor Vehicle Pollution Control Systems

This rule documents the criteria for certification of motor vehicle pollution control systems. A motor vehicle pollution control system may be certified unless:

- (1) A motor vehicle pollution control system has equipment not designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle.
- (2) A motor vehicle pollution control system needs modifications, other than adjustments, to the original design of the motor vehicle.
- (3) A person has replaced the motor vehicle engine and the resulting vehicle chassis is not identical (including all emission related parts, engine design parameters, and engine calibrations) to a certified configuration of the same or newer model year, except for:
 - (a) Conversions to compressed natural gas or liquefied petroleum gasoline (LPG);
 - (b) A complete engine or engine conversion kit granted an Executive Order by the California Air Resources Board that DEQ deems to meet the standards of this Division;
 - (c) A complete powertrain on the U.S. Environmental Protection Agency's "Certified to EPA Standards" list, when the powertrain is used in its entirety and without modification, that DEQ deems to meet the standards of this Division;
 - (d) A foreign-built replacement engine that has a configuration certified by the U.S. Environmental Protection Agency or the California Air Resources Board that DEQ deems to meet the standards of this Division.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0200
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 66, f. 2-5-74, ef. 2-25-74

[340-256-0220](#)

Compliance With Oregon Low Emission Vehicle Program

Model years 2009 and newer vehicles that have 7,500 or fewer miles must meet the requirements of Chapter 340, Division 257 to qualify for a Certificate of Compliance.

Statutory/Other Authority: ORS 468.020, 468A.010, 468A.015, 468A.025, 468A.360 & 468A.380

Statutes/Other Implemented: ORS 468.020 & 468A.365

History:

DEQ 6-2006, f. & cert. ef. 6-29-06

340-256-0300

Emission Control System Inspection: Scope

Under ORS 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, OAR 340-256-0300 through 340-256-0465 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to DEQ or DMV a statement describing the grounds for the exemption on forms as provided by DEQ or DMV.

(1) Except as provided in section (3) of this rule, any person owning or leasing 1975 and newer model year vehicles in the Portland Vehicle Inspection Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) Basic test. A light duty vehicle of the model years specified in this paragraph must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400.

(A) Gasoline model year 1975 through 1995

(B) Diesel model year 1975 through 1996

(b) A light duty gasoline vehicle that is a 1996 and newer model year or a light duty diesel vehicle that is a 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by DEQ.

(c) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420, except gasoline powered heavy duty vehicles that are 2013 model year and newer and equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test system, or other similar manufacturing problems, the vehicle must meet either the basic test requirements of OAR 340-256-0340, 340-356-0380, 340-256-0400, or other test criteria as determined by DEQ.

(2) Except as provided in section (3) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

- (a) A light duty gasoline vehicle that is a 1996 and newer model year or a light duty diesel vehicle that is 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400 or other test criteria as determined by DEQ.
- (b) A light-duty vehicle that is 20 model years in age through 1995 model year must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400.
- (c) A heavy duty vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420. All gasoline powered heavy duty vehicles equipped with OBDII or higher systems must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to manufacturer defects in the vehicle, incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0390, and 340-256-0420 or other test criteria as determined by DEQ.
- (d) Gasoline powered imported light duty and heavy duty vehicle conforming to EPA import regulations will be tested using basic or OBD test requirements as determined by DEQ.

(3) DEQ may test any gasoline powered heavy duty or light duty vehicle using one of the following procedures as an alternative to the test procedure otherwise required by this rule:

- (a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or
- (b) Self-Service OBD Testing following the procedures of OAR 340-256-0358.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Statutory/Other Authority: ORS 467.030 & ORS 468A.350 - 468A.400

Statutes/Other Implemented: ORS 468A.350 - 468A.400, 803.350 & 815.295

History:

DEQ 8-2006(Temp), f. 6-30-06, cert. ef. 7-5-06 thru 12-31-06

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 13-2000, f. & cert. ef. 7-28-00

DEQ 4-2000(Temp), f. & cert. ef. 2-17-00 thru 8-9-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0300

DEQ 2-1998, f. & cert. ef. 3-5-98

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 23-1984, f. 11-19-84, cert. ef. 4-1-85

DEQ 139, f. 6-30-77, cert. ef. 7-1-77

DEQ 89, f. 4-22-75, cert. ef. 5-25-75

[340-256-0310](#)

Emission Control System Inspection: Government-Owned Vehicle, Permanent Fleet Vehicle and United States Government Vehicle Testing Requirements

- (1) All motor vehicles registered as government-owned vehicles under ORS 805.040 that are not exempted from certification under 815.300 must obtain a Certificate of Compliance. Government-owned vehicles must be certified biennially.
- (2) Any motor vehicle registered as a permanent fleet vehicle under ORS 805.120 that are required to be certified under ORS 803.350 and 815.295 to 815.325 must obtain a Certificate of Compliance.
- (3) Any motor vehicle that is to be registered under ORS 805.040 or 805.120 but which is not a new motor vehicle must obtain a Certificate of Compliance before it is registered, as required by ORS 803.350 and 815.295 to 815.325.
- (4) All motor vehicles owned by the United States Government and operated in the Portland Vehicle Inspection Area or the Medford-Ashland AQMA must obtain a Certificate of Compliance biennially.
 - (a) United States Government tactical military vehicles are not required to obtain Certificates of Compliance.
 - (b) Federal installations located within the Portland Area Vehicle Inspection Program and the Medford-Ashland AQMA must provide DEQ with a list of all federal employee-owned vehicles operated on the installation, demonstrate that these vehicles have complied with this Division, report inspection results to DEQ each quarter, and update the list annually.
- (5) For the purposes of providing a staggered certification schedule for vehicles registered as government-owned vehicles under ORS 805.040 or permanent fleet vehicles under 805.120, such schedule must, except as provided by section (6) of this rule, be on the basis of the final numerical digit contained on the vehicle license plate. Such certification must be completed by the last day of the month as provided below (last digit and month or year, respectively):
 - (a) 1 — January;
 - (b) 2 — February;
 - (c) 3 — March;
 - (d) 4 — April;
 - (e) 5 — May;
 - (f) 6 — June;
 - (g) 7 — July;

- (h) 8 — August;
- (i) 9 — September;
- (j) 0 — October;
- (k) Even — even numbered years for vehicles tested biennially;
- (l) Odd — odd numbered years for vehicles tested biennially.

(6) In order to accommodate a fleet's scheduled maintenance practices, DEQ may grant a request for a specific separate schedule for vehicles registered as government-owned vehicles under ORS 805.040 or permanent fleet vehicles registered under ORS 805.120 if a Public Agency Fleet or Private Business Fleet licensed under OAR 340-256-0440 owns these vehicles.

(7) Every agency or organization owning fleet vehicles described in this rule must report the following information to DEQ, in either electronic or printed form, annually:

- (a) The vehicle make;
- (b) The vehicle model;
- (c) The vehicle identification number (VIN);
- (d) The number of Certificates of Compliance issued; and
- (e) The issuing date of the motor vehicle's Certificates of Compliance.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360 & 468A.363

Statutes/Other Implemented: ORS 468A.365 - 468A.385

History:

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0306

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 3-1978, f. 3-1-78, ef. 4-1-78

340-256-0320

Emission Control System Inspection: Motor Vehicle Inspection Program Fee Schedule

This rule sets out the fee schedule for Certificates of Compliance and licenses issued by DEQ's Vehicle Inspection Program:

(1) The cost of each Certificate of Compliance issued by DEQ, including those issued at emissions test stations and those issued through the Clean-Screen and Self-Service Testing procedures, is:

- (a) In the Portland Vehicle Inspection Area, a maximum of \$25; or
- (b) In the Medford-Ashland AQMA, a maximum of \$15 until June 30, 2021; and then a maximum of \$20.

(2) The cost of each Certificate of Compliance issued by a Private Business Fleet or Public Agency Fleet is:

- (a) In the Portland Vehicle Inspection Area, a maximum of \$10; and
- (b) In the Medford-Ashland AQMA, a maximum of \$5.

(3) The cost of each License issued to a Private Business Fleet or Public Agency Fleet is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(4) The cost of each License issued to a Private Business Fleet or Public Agency Fleet Vehicle Emission Inspector is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(5) The cost of each License issued for a Gas Analytical System is:

- (a) Initial \$5;
- (b) Annual renewal \$1.

(6) The cost of each Certificate of Compliance issued on-site to an automobile dealership is a maximum of \$30.

Statutory/Other Authority: ORS 468A.400

Statutes/Other Implemented: ORS 468A.400

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

DEQ 11-2001, f. & cert. ef. 10-4-01

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0307

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 3-1992, f. & cert. ef. 2-4-92

DEQ 20-1981, f. 7-28-81, ef. 8-1-81

[340-256-0330](#)

Emission Control System Inspection: Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program

This rule documents DEQ's considerations regarding motor vehicle pollution control system requirements for Department of Defense personnel participating in the Privately Owned Vehicle Import Control Program.

(1) U.S. Department of Defense (DOD) personnel participating in the DOD Privately Owned Vehicle (POV) Import Control Program operating a 1975 or newer model year vehicle, may temporarily remove catalytic converter systems, or, if applicable, exhaust gas oxygen (O₂) sensor(s), if one of the following conditions is met:

(a) The vehicle will be driven to the port and surrendered for export under the above program within ten working days of disconnection, deactivation, or inoperability of the catalytic converter system or exhaust gas oxygen (O₂) sensor(s); or

(b) The catalytic converter systems and exhaust gas oxygen (O₂) sensor(s) are reconnected, reactivated or made operable within 10 working days from the time the owner picked up the vehicle at the port.

(2) Persons may disconnect, deactivate or render inoperable any catalytic converter system or exhaust gas oxygen (O₂) sensor(s) on 1975 or newer model year vehicle of DOD personnel participating in the DOD POV Import Control Program which will be driven to the port and surrendered for exportation under said program within ten working days.

(3) Unless otherwise exempt under this Division, vehicles must be configured as a vehicle certified by the EPA for sale and use within the United States under 40 C.F.R., part 86, subpart A.

(4) Documentation must be kept with the vehicle at all times while the vehicle is operated in the United States which provides sufficient information to demonstrate compliance with all appropriate qualifications and conditions of this exemption, including the following:

(a) The unique VIN of the vehicle;

(b) The agency or organization that employs the owner of the vehicle;

(c) The country to which the owner of the subject vehicle is transferring;

(d) The date(s) when applicable alterations were performed on the vehicle;

(e) The date when the vehicle is scheduled to be delivered to the appropriate port for shipment out of the United States; and

(f) The date when the subject vehicle is picked up from the port of importation upon returning to the United States.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.400

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0308

DEQ 25-1996, f. & cert. ef. 11-26-96

340-256-0340

Emission Control System Inspection: Light Duty Motor Vehicle and Heavy Duty Gasoline Motor Vehicle Emission Control Test Method for Basic Program

This rule documents the general requirements and test sequence for the basic light duty motor vehicle and heavy duty gasoline motor vehicle emission test method.

(1) General Requirements:

(a) The vehicle must have a properly affixed and readable VIN.

(b) DEQ must reject from the testing area vehicles having coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe. The inspector may not conduct the emissions test until the defects are corrected.

(c) The vehicle transmission must be placed in neutral gear if equipped with a manual transmission or in park position if equipped with an automatic transmission. The hand or parking brake must be engaged. If the brake is defective, then wheel chocks must be placed in front of or behind the vehicle's tires, or both when appropriate.

(d) All accessories are to be turned off.

(e) The inspector must ensure that the motor vehicle is equipped with the required functioning motor vehicle pollution control system in accordance with the criteria of OAR 340-256-0380 or 340-256-0390. For vehicles not meeting these criteria upon completion of the testing process, the inspector must issue a report to the driver stating all ways in which the motor vehicle pollution control system does not meet the criteria of OAR 340-0256-0380 and 0390.

(f) Exhaust gas sampling algorithm. The analysis of exhaust gas concentrations will begin 10 seconds after the applicable test mode begins and will be analyzed at a rate of two times per second. The measured value for pass or fail determinations will be a simple running average of the measurements taken over five seconds.

(g) Pass or fail determinations. A pass or fail determination will be made for each applicable test mode based on a comparison of the applicable standards listed in OAR 340-256-0400 and 340-256-0420 and the measured value for HC and CO. A vehicle will pass the test mode if any pair of simultaneous values for HC and CO are below or equal to the applicable

standards. A vehicle will fail the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above the applicable standards.

- (h) Void test conditions. If the measured concentration of CO plus CO₂ falls below the applicable standards listed in OAR 340-256-0380 and 340-256-0390, or if the vehicle's engine stalls at any time during the test sequence, the test will end, and any exhaust gas measurements will be voided.
- (i) Multiple exhaust pipes. Exhaust gas concentrations from vehicle engines equipped with multiple exhaust pipes will be sampled simultaneously.
- (j) The test will be terminated upon reaching the overall maximum test time.

(2) Test sequence.

The test sequence will consist of a first-chance idle mode, a high idle conditioning mode, and a second chance idle mode.

- (a) First-chance idle mode: the engine RPM shall be maintained between 550 and 1300 during the first chance idle mode. The maximum duration of this test shall be 30 seconds.
 - (A) If, before an elapsed time of 30 seconds, the measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.
 - (B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.
- (b) High idle conditioning mode: If, before an elapsed time of 30 seconds, the test has not been terminated in accordance with (2)(a)(A) or (2)(a)(B) then the engine RPM shall be raised and maintained between 2200 and 2800. The maximum duration of the high idle conditioning mode test shall be 180 seconds. If, before an elapsed time of 180 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420 the vehicle will fail and the test will be terminated.
- (c) Second-chance idle mode: If the test has not been terminated in accordance with (2)(a) or (2)(b) then the engine RPM shall be lowered and maintained between 550 and 1300 during the second chance idle mode. The maximum duration of the second-chance idle mode test shall be 30 seconds.
 - (A) If, before an elapsed time of 30 seconds, measured values are less than or equal to the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will pass, and the test will be terminated.
 - (B) If, before an elapsed time of 30 seconds, the measured values exceed the applicable gross emission standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

(C) If, after an elapsed time of 30 seconds, measured values exceed the applicable standards listed in OAR 340-256-0400 and 340-256-0420, the vehicle will fail, and the test will be terminated.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 163-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0309

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

[340-256-0355](#)

Emission Control System Inspection: Emissions Control Test Method for OBD Test Program

This rule documents the general requirements and test sequence for the light or heavy-duty vehicle OBD test method.

(1) General Requirements:

(a) DEQ must reject from the testing area vehicles having coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe. The inspector may not conduct the emissions test until the defects are corrected.

(b) Light duty gasoline vehicles must be 1996 and newer model years.

(c) Light duty diesel vehicles must be 1997 and newer model years.

(d) Heavy duty gasoline vehicles must be 2013 and newer model years and equipped with an OBD-II compliant or newer OBD system.

(e) The vehicle must have a properly affixed and readable VIN.

(f) The vehicle's OBD system must match the original manufacturer's information and must communicate with DEQ's OBD analytical equipment.

(A) All 2005 and subsequent model year light duty vehicles must have the VIN included in the vehicle OBD information.

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.

(g) If an Original Equipment Manufacturer LPG powered vehicle, model year 1996 through 2004, has a DEQ-recognized OBD manufacture defect, DEQ will follow the idle emission testing criteria of OAR 340-256-0340, OAR 340-256-0380, OAR 340-256-0390, OAR 340-256-0400 and OAR 340-256-0420.

(2) Test criteria:

- (a) Gasoline powered motor vehicles from model years 1996 to 2000 are allowed two unready monitors; 2001 and newer vehicles are allowed one unready monitor.
- (b) Diesel powered motor vehicles from 1997 to 2008 are not allowed any unready monitors; 2009 and newer model year diesel powered motor vehicles are allowed one unready monitor.
- (c) A vehicle which previously failed with either a catalyst or evaporative Diagnostic Trouble Code must have their respective monitor in a ready status to pass a subsequent retest. The vehicle will be allowed one or two unready monitors depending on the model year, but an unready catalyst or evaporative monitor cannot be one of them.
- (d) Vehicle OBD systems deviating from manufacturer's design or intended operation will fail for:
 - (A) Malfunctions of the OBD systems triggering the Malfunction Indicator Light commanded on.
 - (B) A missing, broken or inaccessible Data Link Connector port.
 - (C) Low or missing vehicle battery voltage from the Data Link Connector port.
 - (D) Vehicle OBD data that does not match original manufacturer's OBD data.
 - (E) The OBD system VIN does not match the vehicle VIN labeling unless recognized by DEQ as a known unresolvable manufacture defect.
 - (F) The OBD system fails to properly communicate.
- (e) When light duty 1996 – 1998 vehicles that DEQ knows have manufacture readiness issues have three or more unready monitors and do not fail OBD systems criteria in section (2)(d)(A-F), DEQ will test those vehicles with a basic test following OAR 340-256-0340.

(3) The Director or the Director's delegate may grant a waiver from one or more of the requirements or criteria listed in sections (1) and (2) for vehicle classes that DEQ determines present prohibitive inspection problems meeting the requirements or criteria of sections (1) and (2) if DEQ deems the motor vehicle pollution control system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 17-2000, f. & cert. ef. 10-25-00

[340-256-0356](#)

Emission Control System Inspection: Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships

This rule documents the on-site motor vehicle emissions test method for automobile dealerships. The on-site vehicle test will be performed in accordance with OAR 340-256-0355. The test will be performed by DEQ using DEQ testing equipment and conducted at the dealership location. The test program applies to manufacturer franchise automobile dealerships. Dealerships may use either on-site testing or the centralized DEQ test stations, or DEQ authorized OBD devices.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.365

History:

DEQ 11-2001, f. & cert. ef. 10-4-01

[340-256-0357](#)

Emission Control System Inspection: Emissions Control Test Method for Clean-Screening Program

This rule documents the Clean-Screening test method.

(1) DEQ may evaluate emissions of vehicles on the roadway using an optical attenuation method of observing actual pollutant emissions, remotely received electronic broadcasts of the vehicles' emissions diagnostic data, or other means approved under section (5) of this rule.

(2) A vehicle that meets DEQ's emissions standards for on-road testing within a time period not to exceed one year from its required registration date will be issued a Certificate of Compliance without being required to pass the emissions inspection station test otherwise required.

(3) Before implementing Clean-Screening under this rule, DEQ must conduct a rulemaking to establish processes, policies, and procedures, including:

(a) The test technique for On-Road Clean-Screening;

(b) The valid test period of On-Road Clean-Screening;

(c) Procedures for identifying an on-road vehicle;

- (d) Procedures for protecting the test process from vandalism and cheating; and
 - (e) Testing standards for Clean-Screening.
- (4) If DEQ uses the optical attenuation method for Clean-Screening, 1975 and newer model year vehicles are eligible for Clean-Screening. If DEQ uses broadcast data from vehicles' ODB systems for Clean-Screening, 1996 and newer model year vehicles are eligible for Clean-Screening.
- (5) If DEQ develops and implements additional test methods for use in the Clean-Screening program, DEQ must develop documentation that such method will provide equal or greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

Statutory/Other Authority: ORS 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.350 - 468A.420

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

[340-256-0358](#)

Emission Control System Inspection: Emissions Control Test Method for Self-Service Testing Program

This rule documents the Self-Service test method.

- (1) DEQ may provide a testing method whereby the vehicle owner or their representative will perform the emissions test. The test performed will be either a remote sensing optical quantification of the tailpipe pollutants, a remote or computer connected OBD test, or other means approved under section (4) of this rule.
- (2) Before implementing Self-Service Testing under this rule, DEQ must establish specific Self-Service Testing processes in DEQ's policies and procedures documents, including:
 - (a) The test techniques to be used for Self-Service Testing;
 - (b) Procedures for identifying the vehicle that will be subjected to Self-Service testing;
 - (c) Procedures for protecting the Self-Service test process from vandalism and cheating; and
 - (d) Testing standards for the Self-Service technique that will be used.
- (3) If DEQ uses the optical attenuation method for Self-Service Testing, 1975 and newer model year vehicles are eligible for Self-Service Testing. If DEQ uses broadcast data or hardwire cable connection from vehicles' OBD systems for Self-Service Testing, 1996 and newer model year vehicles are eligible for Self-Service Testing.
- (4) If DEQ develops and implements additional test methods for use in the Self-Service Testing program, DEQ must develop documentation that such method will provide equal or

greater accuracy in identifying vehicles that would pass or fail the otherwise required emission test.

Statutory/Other Authority: ORS 468A.380(1)(c)

Statutes/Other Implemented: ORS 468A.350 - 468A.420

History:

DEQ 14-2003, f. & cert. ef. 10-24-03

340-256-0370

Emission Control System Inspection: Renewal of Registration for Light Duty Motor Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon

Vehicles registered in the Portland Vehicle Inspection Area and Medford-Ashland AQMA and operated in another state at an address located at least 150 miles outside the Oregon border must comply with the following requirements:

- (1) For vehicles operated within another Environmental Protection Agency approved Inspection and Maintenance (I/M) program area, DEQ shall establish reciprocity provisions to ensure motor vehicle compliance with the other state's I/M requirements. Compliance with the other state's I/M program requirements is equivalent to the issuance of a Certificate of Compliance.
- (2) For vehicles operated in another state, but not within another Environmental Protection Agency approved Inspection and Maintenance (I/M) area, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to Oregon. Within 30 calendar days of the date the vehicle returns to Oregon it must comply with the Oregon I/M Program's test criteria, methods and standards.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0318

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

340-256-0380

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program

This rule documents the Basic Test criteria for light duty motor vehicles.

- (1) A vehicle emission control test is not valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust gas being sampled by the gas analytical system. For the purpose of the emission control tests conducted at state facilities, except for diesel motor

vehicles, tests are invalid if the exhaust gas is diluted to such an extent that the sum of the CO and CO₂ concentrations recorded for the idle speed reading from an exhaust outlet is six percent or less, and, on 1975 and newer model year vehicles with air injection systems, seven percent or less.

(2) A vehicle emission control test is not valid if the engine idle speed exceeds the manufacturer's idle speed specifications by over 200 RPM.

(3)(a) A vehicle emission control test for a 1975 or newer model year vehicle is not valid if the gas cap or catalyst has been disconnected, plugged, or otherwise made inoperative in violation of ORS 815.305(1), except as noted in ORS 815.305(2) or as provided for by 40 CFR 85.1701–1709 (published July 1, 2003).

(b) DEQ may provide alternative criteria for those required under subsection (a) of this section if it determines that the component or an acceptable alternative is unavailable.

(c) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not a violation of ORS 815.305 if DEQ determines that such use will not adversely affect emission control efficiency.

(d) The use of a non-original equipment aftermarket part or system as an add-on, auxiliary, augmenting, or secondary part of system, is not a violation of ORS 815.305 if such part or system has an Executive Order granted by the California Air Resources Board, is on the U.S. Environmental Protection Agency's list of "Certified to EPA Standards," and DEQ has determined after reviewing testing data that there is no decrease in the efficiency or effectiveness in the control of air pollution;

(e) Adjustments or alterations of particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not violations of ORS 815.305.

(4) A 1981 or newer model year vehicle that has been converted to operate on gaseous fuels is not in violation of ORS 815.305 when elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by ORS 815.305.

(5) For a 1975 through 1980 model year vehicle in which the original engine has been replaced, if either the vehicle body or chassis original engine (per registration or title) or replacement engine (as manufactured) had a catalytic converter system, it must be present, intact, and operational before DEQ may issue a Certificate of Compliance.

(6) For a 1981 or newer model year vehicle in which the original engine has been replaced, the emission test standards and applicable emissions control equipment for the year, make, and model of the vehicle body or chassis (per registration or title) or replacement engine, whichever is newer, apply. For those diesel powered vehicles that have been converted to operate on gasoline or gasoline equivalent fuel(s), the emission test standards and applicable emission control equipment for the year, make, and model of the gasoline equivalent

powered engine as originally manufactured, for the vehicle body or chassis (per the registration) or replacement engine, whichever is newer, apply.

(7) For those vehicles registered or titled as a 1981 or newer model year that were assembled by other than a licensed motor vehicle manufacturer, such as an Assembled, Reconstructed, or Replica Vehicle, DEQ personnel must determine the applicable emission test standards based upon the vintage of the vehicle engine. The year of the engine is presumed to be that stated by the vehicle owner, unless DEQ personnel determine, after physical inspection, that the year of the engine is other than that stated by the owner.

(8) An imported nonconforming motor vehicle that has been imported under a certificate of conformity or modification/test procedure under 40 CFR Part 85, Subpart P, or has been granted an exemption under 40 CFR § 85.1511, must comply with the emission control equipment requirements of such certificate or procedure.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 166-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0320

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88

DEQ 12-1985, f. & ef. 9-30-85

DEQ 6-1985, f. & ef. 5-1-85

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 12-1982, f. & ef. 7-21-82

DEQ 18-1980, f. & ef. 6-25-80

DEQ 6-1980, f. & ef. 1-29-80

DEQ 22-1979, f. & ef. 7-5-79

DEQ 9-1978, f. & ef. 7-7-78

DEQ 139, f. 6-30-77, ef. 7-1-77

DEQ 121, f. & ef. 9-3-76

DEQ 116(Temp), f. & ef. 7-27-76

DEQ 89, f. 4-22-75, ef. 5-25-75

[340-256-0390](#)

Emission Control System Inspection: Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria

This rule documents the heavy duty gasoline motor vehicle emission test criteria.

(1) A vehicle emission control test is not valid if the vehicle exhaust system leaks in such a manner as to dilute the exhaust emissions being sampled by the gas analytical system. For the purpose of emission control tests conducted at state facilities, tests will not be considered valid if the exhaust emissions are diluted to such an extent that the sum of the CO and CO₂ concentrations recorded for the idle speed reading from an exhaust outlet is six percent or less.

(2) A vehicle emission control test is not valid if the engine idle speed exceeds 1300 RPM.

(3)(a) A vehicle emission control test is not valid if the gas cap or catalyst has been disconnected, plugged, or otherwise made inoperative in violation of ORS 815.305(1), except as noted in 815.305(2).

(b) DEQ may provide alternative criteria for those required under subsection (a) of this section if it determines that the component or an acceptable alternative is unavailable.

(c) The use of a non-original equipment aftermarket part (including a rebuilt part) as a replacement part is not a violation of ORS 815.305, if DEQ determines that such use will not adversely affect emission control efficiency.

(d) Adjustments or alterations of a particular part or system parameter, if done for purposes of maintenance or repair according to the vehicle or engine manufacturer's instructions, are not violations of ORS 815.305.

(4) A 1981 or newer model motor vehicle that has been converted to operate on gaseous fuels is in violation of ORS 815.305 if elements of the factory-installed motor vehicle air pollution control system are disconnected for the purpose of conversion to gaseous fuel as authorized by 815.305.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 167-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 7-2005, f. & cert. ef. 7-12-05

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0325

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88

DEQ 12-1985, f. & ef. 9-30-85

DEQ 6-1985, f. & ef. 5-1-85

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 12-1982, f. & ef. 7-21-82

DEQ 22-1979, f. & ef. 7-5-79

DEQ 136, f. 6-10-77, ef. 7-1-77

[340-256-0400](#)

Emission Control System Inspection: Light Duty Motor Vehicle Emission Control Standards for Basic Program

This rule documents the standards not to be exceeded for light duty motor vehicles that undergo the Basic emission test.

- (1) Light Duty Diesel Motor Vehicle Emission Control Standards: 1.5% CO; there is no HC standard.
- (2) Light Duty Gasoline Motor Vehicle Emission Control Standards: Four-Stroke Cycle — Passenger Cars:
 - (a) 1975–1980 Model Year:
 - (A) With Catalyst: 1.0% CO and 220 ppm HC;
 - (B) Without Catalyst: 2.5% CO and 300 ppm HC.
 - (b) 1981 and Newer Model Year: at idle — 1.0% CO and 220 ppm HC;
- (3) Light Duty Gasoline Motor Vehicle Emission Control Standards — Light Duty Trucks:
 - (a) 6,000 GVWR or less:
 - (A) 1975–1980 Model Year:
 - (i) With Catalyst: 1.0% CO and 220 ppm HC;
 - (ii) Without Catalyst: 2.5% CO and 300 ppm HC.
 - (B) 1981 and Newer Model Year: at idle — 1.0% CO and 220 ppm HC;
 - (b) 6,001 to 8,500 GVWR:
 - (A) 1975–1978 Model Year: 2.5% CO and 300 ppm HC;
 - (B) 1979–1980 Model Year:
 - (i) With Catalyst: 1.0% CO and 220 ppm HC;
 - (ii) Without Catalyst: 2.5% CO and 300 ppm HC.
 - (C) 1981 and Newer: at idle — 1.0% CO and 220 ppm HC;
- (4) Gross CO emissions exceed the applicable model year CO standard by a factor of one and one-half (1.5).

- (5) Gross HC emissions exceed the applicable model year HC standard by a factor of three (3).
- (6) Visible emissions must not occur during the steady-state unloaded and raised rpm engine idle portions of a gasoline engine emission test from either the vehicle's exhaust system or the engine crankcase. For a diesel engine emissions test, visible emissions must not exceed 20% opacity.
- (7) The Director or Director's delegate may grant a waiver from standards listed in sections (1)–(6) for vehicle classes that DEQ determines present prohibitive inspection problems meeting the standards in sections (1) – (6) if DEQ deems the motor vehicle pollution system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.350 - 468A.385

History:

[DEQ 168-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0330

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 16-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 21-1988, f. & cert. ef. 9-12-88

DEQ 18-1986, f. 9-18-86, ef. 10-1-86

DEQ 20-1981, f. 7-28-81, ef. 8-1-81

DEQ 15-1981(Temp), f. & ef. 5-6-81

DEQ 18-1980, f. & ef. 6-25-80

DEQ 22-1979, f. & ef. 7-5-79

DEQ 9-1978, f. & ef. 7-7-78

DEQ 139, f. 6-30-77, ef. 7-1-77

DEQ 121, f. & ef. 9-3-76

DEQ 116(Temp), f. & ef. 7-27-76

DEQ 89, f. 4-22-75, ef. 5-25-75

[340-256-0420](#)

Emission Control System Inspection: Heavy-Duty Gasoline Motor Vehicle Emission Control Standards

This rule documents the standards not to be exceeded for heavy duty gasoline vehicle emission tests.

- (1) CO idle emission values:

(a) 1975–1978 Model Year: 4.0%;

(b) 1979 and Newer Model Year without catalyst: 3.0%;

- (c) 1985 and Newer Model Year with catalyst: 1.0%.
- (2) Gross CO emissions exceed the applicable model year CO standard by a factor of one and one-half (1.5).
- (3) Hydrocarbon idle emission values:
 - (a) 1975–1978 Model Year: 500 PPM;
 - (b) 1979 and Newer Model Year without catalyst: 350 PPM;
 - (c) 1985 and Newer Model Year with catalyst: 220 PPM.
- (4) Gross HC emissions exceed the applicable model year HC standard by a factor of three (3).
- (5) Visible emission must not occur during the steady-state unloaded engine idle and raised rpm portion of the emission test from either the vehicle's exhaust system or the engine crankcase.
- (6) The Director may grant a waiver from standards listed in sections (1)–(4) for vehicle classes that DEQ determines present prohibitive inspection problems meeting the listed standards in sections (1) – (4) if DEQ deems the motor vehicle pollution system otherwise meets the standards of this Division.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0335
DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 18-1986, f. 9-18-86, ef. 10-1-86
DEQ 20-1981, f. 7-28-81, ef. 8-1-81
DEQ 15-1981(Temp), f. & ef. 5-6-81
DEQ 18-1980, f. & ef. 6-25-80
DEQ 22-1979, f. & ef. 7-5-79
DEQ 9-1978, f. & ef. 7-7-78
DEQ 136, f. 6-10-77, ef. 7-1-77

[340-256-0440](#)

Emission Control System Inspection: Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates

(1) Five separate classes of licenses are:

- (a) Private Business Fleet;
- (b) Public Agency Fleet;
- (c) Private Business Fleet Vehicle Emission Inspector;
- (d) Public Agency Fleet Vehicle Emission Inspector;
- (e) Vehicle Emission Inspector.

(2) License applicants must complete a form that DEQ provides.

(3)(a) Each fleet's license is valid for not more than one-year and expires on December 31 of each year unless revoked, suspended, or returned to DEQ;

(b) Each Inspector's license is valid for not more than two-years and expires on December 31 of every other year unless revoked, suspended, or returned to DEQ.

(4) DEQ will not issue any license until the applicant has fulfilled all requirements and paid the required fee.

(5) A license is not transferable.

(6) DEQ may renew a license if the applicant submits an application and renewal fee within 30 days before the license's expiration date and the applicant complies with all other licensing requirements.

(7) DEQ may suspend, revoke, or not renew a license if the licensee has violated this Division, ORS 468A.350 to 468A.400, or 815.295 to 815.325.

(8) A Private Business Vehicle Emission Inspector or Public Agency Fleet Vehicle Emission Inspector license is valid only for inspection of and execution of Certificates of Compliance for motor vehicle pollution control systems and motor vehicles of the Private Business Fleet or Public Agency Fleet that employs the Private Business Fleet Vehicle Emission Inspector or Public Agency Fleet Vehicle Emission Inspector on a full time basis. DEQ may authorize a Public Agency Fleet Vehicle Emission Inspector to perform inspections and execute Certificates of Compliance for vehicles of other governmental agencies if the inspector has contracted with that agency for that service and the Director approves the contract.

(9) To initially receive or renew a license as a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector or a Vehicle Emission Inspector, the applicant must be an employee of a Private Business Fleet, a Public Agency Fleet, the DEQ Vehicle Inspection Program, or an employee of an Independent Contractor and submit a completed application. All Inspectors must receive formal training and be licensed or certified to perform inspections under this Division. The duration of the training

program for persons employed by a Private Business Fleet or a Public Agency Fleet must be at least 16 hours.

(a) Training.

(A) Inspector training must include the following subjects:

- (i) The air pollution problems, its causes and effects;
- (ii) The purpose, function and goal of the inspection program;
- (iii) Inspection regulations and procedures;
- (iv) Technical details of the test procedure and the rationale for their design;
- (v) Test equipment operation, calibration and maintenance;
- (vi) Emission control device function, configuration and inspection;
- (vii) Quality control procedures and their purpose;
- (viii) Public relations;
- (ix) Safety and health issues related to the inspection process; and
- (x) OBD test systems.

(B) In order to complete the training requirement, a trainee must pass (minimum of 80% correct responses) a written test covering all aspects of the training. In addition, a hands-on test must be administered in which the trainee demonstrates without assistance the ability to conduct a proper inspection, to properly utilize equipment and to follow other procedures. Inability to properly conduct all test procedures shall constitute failure of the test. DEQ will take appropriate steps to insure the security and integrity of the testing process.

(b) Licensing and certification.

(A) DEQ must license or certify all inspectors before they may perform official inspections.

(B) Completion of Inspector training and passing required tests is a condition of licensing or certification.

(C) Inspector licenses and certificates are valid for no more than 2 years, at which point refresher training and testing are required before renewal. Alternative approaches based on more comprehensive skill examination and determination of Inspector competency may be used.

(D) Licenses and certificates are not a legal right, but rather, are a privilege bestowed by the Department and conditional upon adherence to DEQ requirements.

(c) Enforcement against Inspectors: Any violations of procedures in this Division are subject to DEQ's enforcement procedures. License or certificate suspension or revocation prohibits the individual from direct or indirect involvement in any inspection operation during the term of the suspension or revocation.

(10) To be licensed as a Private Business Fleet or a Public Agency Fleet, the applicant must:

(a) Employ on a full time basis a Private Business Fleet Vehicle Emission Inspector; or

(b) Employ on a full time basis a Public Agency Fleet Vehicle Emission Inspector; and

(c) Be equipped with a gas analytical system complying with criteria established in OAR 340-256-0450.

(d) If 1996 and newer model year light duty vehicles are a part of the self-inspected fleet of vehicles, the fleet must be equipped with a scan tool for downloading vehicle OBD emissions data with criteria established in OAR 340-256-0465.

(11) A person licensed as a Private Business Fleet or Public Agency Fleet may not advertise or represent themselves as being licensed to inspect motor vehicles to determine compliance with the criteria and standards of OAR 340-256-0380 and 340-256-0400.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

[DEQ 170-2018, minor correction filed 04/12/2018, effective 04/12/2018](#)

DEQ 17-2000, f. & cert. ef. 10-25-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0340

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 19-1983, f. 11-29-83, ef. 12-31-83

DEQ 12-1982, f. & ef. 7-21-82

DEQ 6-1980, f. & ef. 1-29-80

DEQ 14-1978, f. & ef. 10-3-78

DEQ 9-1978, f. & ef. 7-7-78

DEQ 3-1978, f. 3-1-78, ef. 4-1-78

DEQ 136, f. 6-10-77, ef. 7-1-77

DEQ 89, f. 4-22-75, ef. 5-25-75

[340-256-0450](#)

Emission Control System Inspection: Gas Analytical System Licensing Criteria for Basic Program

This rule documents licensing criteria for use of gas analytical systems in the Basic test method.

(1) Computerized test systems are required equipment for performing any measurement on subject vehicles. The test equipment must be certified to meet the requirements and performance features contained in 40 CFR Part 51 Appendix D (November 5, 1992) and new equipment must be subjected to acceptance test procedures to ensure compliance with Oregon I/M Program specifications.

(a) Emission test equipment must be capable of testing all subject vehicles and shall be updated from time to time to accommodate new technology vehicles as well as changes to the Oregon I/M Program.

(b) At a minimum, emission test equipment must be:

(A) Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;

(B) Secure from tampering and/or abuse;

(C) Based upon written specifications; and

(D) Capable of simultaneously sampling dual exhaust vehicles.

(c) The vehicle owner or driver must be provided with a computer-generated record of test results, including all of the items listed in 40 CFR Part 85, subpart W required on the test record. The test report must include:

(A) A vehicle description, including license plate number, VIN, and odometer reading;

(B) The date and time of the test;

(C) The name or identification number of individual(s) performing the tests and the location of the test station and lane;

(D) The type of test performed, including emission tests, visual checks for the presence of emission control components, and functional, evaporative checks;

(E) The applicable test standards;

(F) A statement indicating the availability of warranty coverage as required in section 207 of the Clean Air Act (1990);

(G) Certification that tests were performed in accordance with the regulations of this Division; and

(H) For vehicles that fail the tailpipe emission test, information on the possible causes of the specific pattern of high emission levels found during the test.

(2) Functional characteristics of computerized test systems. The test system is composed of emission measurement devices and other motor vehicle test equipment controlled by a computer.

(a) The test system must automatically:

(A) Make a pass or fail decision for all measurements;

(B) Record test data to an electronic medium;

(C) Conduct regular self-testing of recording accuracy;

(D) Perform electrical calibration and system integrity checks before each test, as applicable; and

(E) Initiate system lockouts for:

(i) Tampering with security aspects of the test system;

(ii) Failing to conduct or pass periodic calibration or leak checks; and

(iii) A full data recording medium or one that does not pass a cyclical redundancy check.

(b) The test system must ensure accurate data collection by limiting, cross-checking; and/or confirming manual data entry.

(3) Gas analytical systems used by Private Business Fleets or Public Agency Fleets must meet the criteria established in this rule.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0355

DEQ 25-1996, f. & cert. ef. 11-26-96

DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94

DEQ 16-1993, f. & cert. ef. 11-4-93

[340-256-0465](#)

Emission Control System Inspection: Test Equipment Licensing Criteria for OBD Test Program

This equipment must contain the standard terminal Diagnostic Link Connector for OBD systems and be capable of the following:

(1) Making an automatic pass/fail decision based on malfunction indicator light observations and vehicle OBD system download;

(2) Transferring electronic vehicle test result to the VIP central data server for emissions data;

(3) Meeting additional fleet operations specifications as DEQ prescribes.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 17-2000, f. & cert. ef. 10-25-00

340-256-0470

Emission Control System Inspection: Agreement With Independent Contractor; Qualifications of Contractor; Agreement Provisions

(1) The Director is authorized to enter into an emissions inspection agreement with one or more independent contractors, subject to public bidding, to provide for the construction, equipment, establishment, maintenance and operation of any emissions inspection stations or activities in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities for the purpose of obtaining compliance with rules contained in this Division.

(2) The Director is prohibited from entering into an emissions inspection agreement with any independent contractor who:

(a) Is engaged in the business of manufacturing, selling, maintaining or repairing vehicles, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor;

(b) Does not have the capability, resources or technical and management skill to adequately construct, equip, operate or maintain a sufficient number of emissions inspection stations to meet the demand for inspection of every vehicle which is required to be submitted for inspection pursuant to this Division.

(3) All persons employed by the independent contractor in the performance of an emissions inspection agreement are employees of the independent contractor and not of this state. An employee of the independent contractor shall not wear any badge, insignia, patch, emblem, device, word or series of words which would tend to indicate that such person is employed by this state. Employees of the independent contractor are specifically prohibited under this subsection from wearing the flag of this state, the words "state of Oregon," the words "emissions inspection program" or any similar emblem or phrase.

(4) The emissions inspection agreement authorized by this rule shall contain at least the following provisions:

- (a) A contract term or duration of not more than ten years with reasonable compensation to the contractor if the provisions of this rule are repealed during the ten-year term;
 - (b) That nothing in the agreement or contract requires the state to purchase any asset or assume any liability if such agreement or contract is not renewed;
 - (c) The minimum requirements for adequate staff, equipment, management and hours and place of operation of emissions inspection stations;
 - (d) The submission of such reports and documentation concerning the operation of emissions inspection stations as the Director and the Attorney General may require;
 - (e) Surveillance by DEQ and the Department of Administrative Services to ensure compliance with vehicle emissions testing standards, procedures, rules and laws;
 - (f) The right of this state, upon providing reasonable notice to the independent contractor, to terminate the contract with the independent contractor and to assume operation of the vehicle emissions inspection program;
 - (g) The right of this state upon termination of the term of the agreement or upon assumption of the operation of the program to have transferred and assigned to it for reasonable compensation any interest in land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;
 - (h) The right of this state upon termination of the term of the agreement or assumption of the operation of the program to have transferred and assigned to it any contract rights, and related obligations, for land, buildings, improvements, equipment, parts, tools and services used by the independent contractors in their operation of the program;
 - (i) The obligation of the independent contractors to provide in any agreement to be executed by them, and to maintain in any agreements previously executed by them, for land, buildings, improvements, equipment, parts, tools and services used in their operation of the program for the right of the independent contractors to assign to this state any of their rights and obligations under such contract;
 - (j) The amounts of liquidated damages payable by this state to the independent contractor if the state exercises its right to terminate the contract at the conclusion of the first, second, third or fourth year of the contract pursuant to section (f) of this rule. The damages recoverable by the independent contractor if the state exercises its right to terminate the contract shall be limited to the liquidated damages specified in the contract;
 - (k) Any other provision deemed necessary by the Department of Administrative Services for enforcement of the emissions inspection agreement.
- (5) In conjunction with the Attorney General and the Department of Administrative Services, DEQ shall establish bid specifications or contract terms for a contract with an independent contractor as provided in this rule, review bids for award of a contract with the independent contractors and negotiate any terms of a contract with the independent contractors.

(6) Before entering into any contract the Director shall inquire into the marketplace of independent contractors and based upon this review shall select the independent contractor who in the sole discretion of the Director is best qualified to perform the duties required by this rule and can be operational on January 1, 1998. After a contract is awarded to an independent contractor, the Director may modify the contract with the independent contractor to allow the contractor and the state to comply with amendments to applicable statutes or rules. This modification is exempt from public bidding and may include the addition, deletion or alteration of any contract provision in order to make compliance feasible, including inspection fees and services rendered. Provisions relating to contract term or duration may be amended, except that the term or duration of the contract shall not be extended more than three and one-half years beyond the term of the original contract as awarded. If the Director cannot negotiate an acceptable modification of the contract, the state may terminate the contract.

[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.]

Statutory/Other Authority: ORS 468.020 & 468A.363

Statutes/Other Implemented: ORS 468A.363

History:

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DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0360

DEQ 25-1996, f. & cert. ef. 11-26-96

Supporting Documents

DEQ produced the report *Vehicle Inspection Program: Cost Effectiveness Analysis* in preparation for the proposed fee increase.