

This adoption was filed with the Office of Administrative Law which may have edited it before publishing it in the New Jersey Register. Please refer to the January 21, 2003 New Jersey Register (35 N.J.R. 429(a)) for the official text of the adoption.

**ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY MANAGEMENT**

**Control and Prohibition of Air Pollution from Gasoline-fueled Motor Vehicles  
Enhanced Inspection and Maintenance Program**

**Adopted Amendments:** N.J.A.C. 7:27-15.1, 15.5 and 15.6; 7:27B-5.1, 5.2, 5.10, 5.11 and 5.12

**Adopted Repeals:** N.J.A.C. 7:27B-5.6, 5.8 and 5.9

**Adopted New Rules:** N.J.A.C. 7:27-15 Appendix

Proposed: May 20, 2002 at 34 N.J.R. 1811(a).

Adopted: December 20, 2002 by Bradley M. Campbell, Commissioner, Department of Environmental Protection.

Filed: December 26, 2002, as R. 2003 d. 47, **with substantive and technical changes** not requiring additional public notice and comment (See N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 26:2C-8 et seq., specifically 26:2C-8 through 8.5 and 8.11, and 39:8-41 et seq., specifically, 41-58.

DEP Docket Number: 12-02-04/320.

Effective Date: January 21, 2003.

Operative Date: February 18, 2003.

Expiration Date: Exempt.

The Department of Environmental Protection (the Department) is adopting herein amendments, repeals, and new rules to N.J.A.C. 7:27-15, Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles, and to N.J.A.C. 7:27B-5, Air Test Method 5: Testing Procedures for Gasoline-Fueled Motor Vehicles, its rules governing the test procedures and standards for the inspection of gasoline-fueled motor vehicles. This action is part of New Jersey's overall effort to attain and maintain the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) and ground-level ozone, and continues the process of establishing and updating the State's enhanced inspection and maintenance (I/M) program, as required by the Clean Air Act, 42 U.S.C. §7401 et seq. and the enhanced I/M

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program regulations of the United States Environmental Protection Agency (USEPA) at 40 C.F.R. Part 51.

In sum, this adoption makes a number of modifications to the State's enhanced I/M program, including a change in the start date for mandatory on-board diagnostic (OBD) inspections for model year 1996 and newer vehicles from January 1, 2001 to June 1, 2003. Other changes include continuation of the initial ASM5015 emission standards beyond their previous end date of December 31, 2001, in place of the "final" standards, which would otherwise have been effective January 1, 2002. The adoption also eliminates references to the evaporative pressure and purge tests and adds new OBD inspection procedures. Finally, consistent with rulemaking by the New Jersey Division of Motor Vehicles (DMV), the adoption changes the emissions test to be used for certain pre-1996 model year vehicles that are registered as school buses and inspected by the DMV's school bus inspection unit. Those pre-1996 model year school buses that would have been tested biennially (every other year) with the dynamometer-based ASM5015 test will now instead be tested twice a year with a 2,500 RPM test. This is an adoption of a reproposal of portions of the Department's January 22, 2002, proposal of amendments, repeals, and new rules to the enhanced I/M program published in the New Jersey Register on that date at 34 N.J.R. 414(a), with which it should not be confused.

### **Overview of the adoption**

Extension of On-Board Diagnostic Inspection Start Date: Because of the hybrid nature of the enhanced I/M program inspection network in New Jersey, the Department concluded it was not likely that the one-year extension of the start of mandatory OBD inspections from January 1, 2002, to January 1, 2003, requested from the USEPA would adequately protect the integrity of the program. New Jersey's past experience with such major changes to its inspection and maintenance program underscores the need to proceed

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carefully to avoid major disruption to the program's operation. Accordingly, the Department is amending its enhanced I/M program rules to require mandatory OBD inspections beginning June 1, 2003.

Continuation of "Initial" Standards for the ASM5015 Exhaust Emission Test: The Department is repealing the "final" ASM5015 standards set forth at N.J.A.C. 7:27-15.6(b)3, Table 3 so that they do not replace the "initial" standards that are currently in use. The Department's action is based in part on an indication from the USEPA that implementation of these "final" standards could result in unacceptably high rates of false failures; that is, an unacceptably high number of vehicles would fail the test even though they meet the applicable Federal emissions certification standards.

As stated in the reproposal, the Department has not foreclosed the possibility that it might, at some future date, implement new "final" standards for those vehicles subject to the ASM5015 exhaust emission test. The Department is currently reviewing the revised final ASM standards that the USEPA released for states' review by memorandum dated August 16, 2002.

Removal of References to the Evaporative Pressure and Purge Tests: The Department is removing from its enhanced I/M program rules all references to the two evaporative emission control tests known as the evaporative purge and the evaporative pressure tests. As is discussed in greater detail in the reproposal, the Department carefully considered retaining a reference to the purge test and implementing the pressure test. The Department concluded, however, that the OBD systems on MY 1996 and newer vehicles would achieve the emission reduction benefits of both evaporative purge and pressure testing when motorists make the repairs that the OBD system indicates is necessary. The USEPA's decisions to move forward with the OBD inspection component of the enhanced I/M program and not to actively pursue the development of an alternative purge test to use in a centralized testing environment indicates its unwillingness to develop such a purge test in the foreseeable future.

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Additionally, the Department still has concerns regarding adding the evaporative pressure test to the inspection process. Accordingly, the Department has determined to remove these tests from the enhanced I/M program.

School Bus Exemption: This adoption will exempt from ASM5015 testing those non-OBD-equipped motor vehicles that are registered as school buses and subject to inspection by the DMV's School Bus Inspection Unit. This is consistent with recent revisions to the DMV's enhanced I/M rules which are part of a proposed revision to the State's enhanced I/M SIP, as is discussed at greater length in the reproposal. Those light-duty gasoline-fueled vehicles, such as vans and sport utility vehicles, that are registered as school buses and used by schools to transport students, will now, like all other school buses, be inspected on site, twice a year, and be subjected to the same safety. As these on-site inspections do not include dynamometer testing, these school buses will be tested using the 2,500 RPM test on a biannual (that is, twice-a-year) basis. OBD-equipped gasoline-fueled school buses, however, will, like other light-duty gasoline-fueled OBD-equipped vehicles, be required to pass an on-site OBD inspection once mandatory OBD inspections are implemented.

The adoption makes other, less significant changes to the enhanced I/M program rules including:

- Deletion of references to the IM240 Test reflecting the fact that the IM240 test is not a required test in the enhanced I/M program; the State uses this test procedure, not as the basis of passing or failing vehicles as part of the inspection, but only to collect data on the effectiveness of the program;
- Addition of an Appendix to N.J.A.C. 7:27-15 containing a table highlighting the provisions of N.J.A.C. 7:27-15.5(g) to show generally which exhaust emissions tests or OBD inspection would be administered to each category of vehicle in an easy-to-follow graphical representation;
- Addition of definitions for terms now used in the enhanced I/M program rules; and

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-Addition of a new description of how the on-board diagnostics inspection is conducted, including an abbreviated explanation of how the OBD software actually responds to the information being downloaded from the motor vehicle's on-board computer.

**Summary** of Hearing Officer's Recommendations and Agency Responses:

Chris N. Salmi, now Acting Administrator of the Department's Office of Air Quality Management, served as the Hearing Officer at the June 24, 2002, public hearing held at the Department's Public Hearing Room at 401 East State Street in Trenton, New Jersey in his capacity as then-Manager of the Bureau of Air Quality Planning. The Department held this public hearing to provide interested parties the opportunity to present comments on the Department's proposed rulemaking, as well as the proposed SIP revision which this rulemaking represents. The comment period for the reproposal and the proposed SIP revision closed on July 30, 2002. Comments the Department received on the reproposal and the proposed SIP revision are summarized and responded to below. The Hearing Officer recommended that the Department adopt the proposed amendments, repeals and new rules, as proposed, with only non-substantive changes not requiring reproposal. The Department has accepted the Hearing Officer's recommendations.

The Department adopts herein the amendments, repeals and new rules, as proposed, with technical changes as discussed above. Please see the Summary of Public Comments and Agency Responses below for more detail. The Hearing Officer's recommendations are set forth in the hearing officer's report. A record of the public hearing is available for inspection in accordance with applicable law by contacting:

Department of Environmental Protection  
Office of Legal Affairs  
ATTN: Docket #12-02-04/320  
401 East State Street  
PO Box 402

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Trenton, New Jersey 08625-0402

This adoption document can also be viewed or downloaded from the Department's website at [www.nj.gov/dep/aqm](http://www.nj.gov/dep/aqm), where Air Quality Management rules, proposals, adoptions and SIP revisions are available. More specifically, this adoption document can be accessed at [www.nj.gov/dep/aqm/obdadopt.htm](http://www.nj.gov/dep/aqm/obdadopt.htm).

**Summary** of Public Comments and Agency Responses:

The Department received oral and/or written comments from the following persons:

1. Tom Bauman, Waekon Corp, Division of Hickok, Inc.
2. Vincent J. Mow, Waekon Corp, Division of Hickok, Inc.
3. John O'Connor, Shade Tree Garage
4. David Scaler, Mechanic's Education Association, MEA Training Center
5. Raymond Werner, United States Environmental Protection Agency

The number(s) in parentheses after each comment corresponds to the commenter numbers above and indicates the person(s) who submitted the comment. The comments are as follows:

1. **COMMENT:** One commenter objected to the dropping of the evaporative pressure test from the State's enhanced I/M program and questioned the grounds for this decision by the State. In addition, the commenter requested the Department to produce the supporting background data referred to in the reproposal. Specifically, the commenter asked for 1) the Department's data regarding the contribution of the pre-model year 1996 fleet to the overall mobile source evaporative emission inventory, 2) data to support the Department's statement that the pressure test could adversely impact throughput, and 3) data to support the Department's contention that conducting the pressure test could result in damage to vehicles. (2)

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**RESPONSE:** The grounds for the Department's decision to drop the pressure test from the enhanced I/M program are set forth in the reproposal of this rulemaking. As stated in the Department's reproposal, the contribution of the pre-model year 1996 fleet to the evaporative emissions inventory was one of many factors taken into consideration when evaluating implementation of the pressure test. Regarding the potential impact of the pressure test on vehicle throughput, the Department's pilot testing of the pressure test indicated that the pressure test could be conducted in a centralized inspection lane under average test volume conditions using trained inspectors, without having a serious impact on throughput. The Department, however, remains concerned about whether the testing times seen in the pilot study could be consistently achieved Statewide and during times of high-volume inspection while maintaining testing integrity and assuring inspector safety and without resulting in damage to vehicles. Finally, the Department is aware of a potential for evaporative control hoses to be damaged when clamped during the test. The Department understands from discussions with the State of Delaware that evaporative control hoses are sometimes damaged during the test. In some cases, Delaware inspectors attempt to repair the hoses in the test lane before the vehicles exit the lane. This would not be practical for New Jersey's enhanced I/M program. Finally, the Department has determined that the State will meet the performance standard for the enhanced I/M program without inclusion of the pressure test. The Department will continue to monitor the program to assure that it continues to meet the performance standard.

The commenter requested the data supporting the Department's decision. The Department is working with the commenter to make such information available to him, as appropriate.

2. **COMMENT:** One commenter challenged the Department's statement in the reproposal that consideration of the potential additional cost to private inspection facilities (PIFs) to purchase the testing equipment was a factor in the State's decision not to proceed with the pressure test as an enhanced I/M program component. The commenter suggested that the Department should have insisted that the pressure test equipment be part of the private inspection facilities/equipment manufacturers (PIF/EM) contract for the original equipment purchase. The commenter further expressed the opinion that the Department was more responsive to those opposing inclusion of a pressure test component than to those who supported its inclusion. (2)

**RESPONSE:** The Department did require the pressure test equipment to be part of the original PIF test equipment specifications. However, some PIF equipment manufacturers did not explicitly include the cost of the equipment in the original purchase contract with their PIF customers. As such, those equipment manufacturers later claimed that the evaporative test equipment was not included in the original purchase contract and would be an additional cost to their customers. In regard to PIF support for conducting the pressure test, the Department took comment on all aspects of conducting the pressure test, including comment from several PIFs and several groups representing PIFs. While it is true that some PIFs expressed support of the pressure test as generating more repair business, they also were opposed to paying extra for the additional equipment/software that would be required to implement the pressure test. The Department considered all comments and weighed many factors in making the determination to no longer require the pressure test in the enhanced I/M program. The Department's final determination was based on the concerns raised by PIFs and other concerns, as discussed in the reproposal.

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The enhanced I/M program is a vast and ever-evolving program. During the transition to this more complex and advanced testing system, the State has had to be flexible in order to ensure that the core program was implemented intact. In addition, because of its complex design (that is, the inclusion of both centralized inspection facilities and privately owned and operated inspection and repair facilities) and its significant impact on the motoring public, the State has had to deal with unforeseen problems which required changes to the original program design. The State also has had to reconsider some portions of the original design that, after implementation, seemed impractical to integrate into the existing system. All of these changes have been made after careful consideration of their impact on the environment, the State's economy, the small business communities involved in the program and the motoring public. The State has had to make these decisions in the best interest of the overall program.

3. **COMMENT:** One commenter suggested that the Department should not remove the pressure test from the enhanced I/M program because to do so would cause a shortfall in the enhanced I/M program's benefits. The commenter questioned the Department's decision to wait until January of 2003 to remodel the I/M program benefits without the evaporative pressure test but with OBD inspections. The commenter suggested that, since the MOBILE6 Model has been available for the State's use for over a year, remodeling conducted by the State to date should have already demonstrated that OBD inspections alone will not make up the shortfall resulting from elimination of the pressure test. (2)

**RESPONSE:** On April 24, 2002, the Department submitted a proposed SIP revision to the USEPA which 1) revised the Department's plans for implementing OBD

inspections, 2) provided for the continuation of the initial ASM standards and 3) removed the requirement for implementing the evaporative pressure and purge tests. In that proposed SIP revision, the Department also made a commitment to complete an analysis by January 29, 2003, of the emission credit impact that these proposed changes may have on the I/M program. The Department also submitted, on August 20, 2002, a proposed SIP revision to revise the State's enhanced I/M program performance standard modeling. This modeling demonstrated that the State could continue to meet the USEPA's enhanced I/M program performance standard without the pressure test.

While the MOBILE6 model was released for SIP purposes in January 2002, the Department has been working over the past year with the New Jersey Department of Transportation and other agencies to gather the necessary input files to run the model. The Department recently received the complete input files and is proceeding with its analysis and will exercise the model to obtain the new emission estimates. The Department will then assess the new data in accordance with the USEPA guidance on reassessing New Jersey's prior SIPs using MOBILE6. As stated in the reproposal of this rulemaking, the State has committed to evaluate the impact that removal of the pressure test and other changes to the enhanced I/M program will have on the State's Rate of Progress (ROP) Plans and One-Hour Ozone Attainment Demonstration. If this evaluation indicates that the State would no longer meet the goals outlined in these plans, the State commits to addressing any shortfall.

4. **COMMENT:** One commenter expressed the opinion that many companies that supply test equipment for I/M testing, including his, have suffered irreparable loss of revenue because New Jersey has not implemented the evaporative pressure test. (1, 2)

**RESPONSE:** Prior to reaching its decision to drop the pressure test from the enhanced I/M program, the State considered a number of relevant factors including the economic impact on the motorist, the inspection facilities, the equipment manufacturers and the implementing agencies. (See also response to comment 2.) In weighing all of the above, the Department determined it was in the best interest of the State not to implement the pressure test component of the enhanced I/M program.

5. **COMMENT:** Two commenters indicated their support for incorporation of OBD inspections into the I/M program but voiced their strong concern for the impact on motorists and repair facilities that will result when some OBD-equipped vehicles, either on initial inspection or following repair, fail to attain a “readiness” status in a reasonable amount of time. The commenters further stated that (1) telling the motorist to return for inspection after driving the vehicle for a week or (2) driving the vehicle on the dynamometer to attain a readiness status are not practical solutions to the problem. One commenter stated that while only a small fraction of vehicles reflect this technical problem, they could give the program a “black eye.” The commenter stated that these vehicles are not identified by the USEPA’s current guidance on OBDII exemptions (granted by the USEPA to the original equipment manufacturers (OEMs) for deficiencies related to the OBDII systems). The commenters suggested that the Department, in these limited circumstances, should permit the PIF to conduct a fallback tailpipe emissions test that would be fully documented and certified by the PIF. One commenter agreed to share data with the Department regarding these problematic vehicles. (3, 4)

**RESPONSE:** The Department agrees that the issue of OBD test readiness both on the initial test and on the retest following repair are important operational issues

related to the introduction of the OBD inspection. The Department believes that the frequency of vehicles arriving for an inspection in a “not-ready” condition can be reduced through an effective public outreach program. This outreach would inform the public of ways to better ensure that a vehicle is “ready” when it arrives for an inspection and following an OBD-related repair.

The Department also agrees that the State must address the small fraction of vehicles with OEM-related OBD deficiencies. In that regard, the OBD software specifications include a provision whereby vehicles with OBD deficiencies can be placed on a “look-up table” accessible by the testing software. When a vehicle that appears on the look-up table is presented for OBD inspection, it is automatically exempted from the readiness criteria. (While such a vehicle will be determined to not be “OBD-eligible” and thus not subject to a full OBD inspection, it will be checked, as provided at N.J.A.C. 7:27B-5.7(c), to see if the malfunction indicator light (MIL) is functioning and if it is illuminated with the engine running. If either the MIL is not functioning or it is illuminated when the engine is running, the vehicle will fail the OBD inspection. In addition, the vehicle will be subjected to the appropriate tailpipe exhaust test.) Nonetheless, the Department agrees that there may be vehicles with readiness or other OBD-related testing problems yet not appear on the list of vehicles currently identified as problematic. To address this problem, the Department has shared with the commenters the current listing of problematic vehicles, as reflected in the “look-up table.” In this way, commenters may provide the Department with any additional information that they may have regarding problematic vehicles. To the extent that the look-up table is not sufficient to address this problem, DEP will work with the PIF community generally to identify these problem cars and resolve the issue. In addition, the Department has been working on this issue with the PIFs and the vehicle repair community, generally, and has developed and shared with them a

protocol to address the testing and retesting of problematic OBD-equipped vehicles. These issues are addressed in the Department's enhanced I/M program rules at N.J.A.C. 7:27-15.5(m).

- 6. COMMENT:** Two commenters expressed concern that difficulty in obtaining information related to OBD repairs from the OEMs could make it very difficult for the repair industry to properly repair some vehicles with OBD-related failures and to prepare such vehicles for retesting following repair. (3, 4)

**RESPONSE:** The Department is working with the USEPA to assure that the OEMs provide the private repair industry with information related to OBD inspections and repairs in a readily-accessible format. The USEPA's service information regulations require that OEMs make such information available via the Internet for a reasonable cost. The USEPA is working to finalize and enforce these requirements by the end of 2002. (See the USEPA's Service Information Availability Notice of Proposed Rulemaking (NPRM) published June 8, 2001, 66 Fed. Reg. 30830.) The Department has shared the concerns voiced by the commenters regarding the completeness and availability of this information with the USEPA and will continue to work with the USEPA to ensure that this information is readily available to the independent repair industry at a reasonable cost.

- 7. COMMENT:** One commenter urged the Department to carefully consider the establishment of final ASM5015 standards to make sure they truly address air quality. The commenter supported using the final ASM5015 standards that the Department is removing but recognized that because they were so aggressive they may have caused false failures. In addition, the commenter recognized that the USEPA had

recommended that the final ASM5015 standards not be implemented. The commenter urged the Department, however, to adopt final standards that are more stringent than the interim standards the Department had previously proposed, which he suggested would not go far enough in improving air quality and protecting human health. (4)

- 8. COMMENT:** One commenter supported the Department's determination not to use the currently-promulgated final ASM5015 standards, and advised that the USEPA would soon release a revised set of final ASM standards for consideration by states with enhanced I/M programs. The commenter stated further that once those revised final standards are released, the State should choose between continuing with the current initial standards, or adopting either the original final standards or the revised final standards and provide a date by which they will be implemented. (5)

**RESPONSE to Comments 7 and 8:** As was stated in the background document for this reproposal, the Department committed to evaluate the USEPA's revised final ASM standards upon their release by the USEPA. By memorandum dated August 16, 2002, the USEPA released the revised final ASM standards for states' consideration. The Department is now in the process of reviewing those standards and expects to complete this review by the end of 2002. Should the Department determine to propose incorporating the USEPA's revised final ASM standards, it will provide notice to the public of such rulemaking, hold a hearing and take comment on these standards.

- 9. COMMENT:** One commenter noted that the Department's proposed start date for mandatory OBD inspections of June, 2003, differs from the start date provided in the USEPA's final OBD rule and the start date set forth in the State's enhanced I/M program SIP revision of April 22, 2002. The commenter suggested that the State

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reconsider its proposed start date of June 1, 2003, and modify its reproposal to include a start date for OBD that is consistent with USEPA's final OBD rule. The commenter noted further that since the majority of the enhanced I/M states will be starting their OBD programs on or before January 1, 2003, there is concern that New Jersey's later start date may encourage equipment manufacturers to place less priority in developing and installing New Jersey's OBD software. The commenter expressed concern that this could combine with other enhanced I/M program start-up problems to delay New Jersey's program implementation beyond the June 1, 2003, date. Finally, the commenter stated that it would be easier for it to address enhanced I/M program implementation issues if New Jersey started its program in the same time frame as the other states. (5)

**RESPONSE:** On April 22, 2002, the State requested that the USEPA allow New Jersey to take the maximum extension allowable under the USEPA rules (one year) to fully integrate OBD inspections into its enhanced I/M program. This extension, if approved, would result in a required start date of January 2003. However, as the Department stated in its background document for this reproposal, the integration of OBD inspections into the enhanced program is a very complex undertaking. This is largely due to New Jersey's unique hybrid program design of central inspection facilities (CIFs) and PIFs and the need to assure a smooth integration of the two networks as the program undergoes this significant modification. For these reasons, the Department continues to believe that it would be impracticable to successfully implement an OBD inspection component in New Jersey prior to June 1, 2003. With a June 1, 2003, start date, the State anticipates having sufficient time to conduct a full 3-month beta testing prior to start of the mandatory OBD inspection test, which is essential to the success of the program.

In addition, the Department believes that the June 1, 2003 start date will not result in the equipment manufacturers (EMs) giving a lower priority to developing and installing New Jersey's OBD software. Conversely, New Jersey's later start date may decrease software development times by allowing the EMs to focus more available resources on New Jersey's software development. Furthermore, New Jersey may benefit from the experience that software developers accrue through working on other similar OBD software development projects in other States.

- 10. COMMENT:** One commenter stated that New Jersey should allow inspection facilities to begin OBD testing as soon as Department-approved OBD equipment has been installed. The commenter stated that this would help the State uncover start-up problems early in the implementation process and to develop solutions to rectify the problems on a small scale, rather than “flipping the switch” to begin OBD inspections statewide on the mandatory start date. The commenter suggested further that there might be an economic incentive for PIFs to start up early. (5)

**RESPONSE:** The State intends to allow CIFs to begin OBD inspections as each CIF passes audits and is activated during the Beta test phase. This gradual roll-out of OBD inspections at CIFs is scheduled to begin in late February, 2003. OBD inspections will be conducted on an advisory basis during the Beta phase until the June 1, 2003, mandatory start date. The roll-out of advisory OBDII inspections for PIFs will proceed in a similar fashion. The rate of the roll-out, however, will be dependent on the software design and service network capacity for each individual EM.

**Summary** of Agency-Initiated Changes:

The Department has made a number of changes on adoption, as follows:

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- At N.J.A.C. 7:27-15.5(b) and (c), the Department has deleted unnecessary commas;
- At N.J.A.C. 7:27-15(g), the Department has deleted the words “equipped and” from the expression “equipped and eligible motor vehicle” as redundant, since an OBD-eligible motor vehicle, in order to be “capable of receiving an OBD inspection” as the term is defined, must be OBD-equipped. Also at N.J.A.C. 7:27-15.5(g), the Department has changed the expression “For all other motor vehicles” to “For a motor vehicle that is not OBD-eligible and for all motor vehicles inspected prior to June 1, 2003 ” to make more clear which vehicles will receive tailpipe testing and not OBD inspections;
- At N.J.A.C. 7:27-15.5(g)1, the Department is making a grammatical correction by substituting “either” for “any”;
- At N.J.A.C. 7:27-15.5(g)2, the Department is removing a superfluous and redundant reference to the ASM5015 test. Because the provisions at N.J.A.C. 7:27-15.5(g)3 already refer back to the criteria for 2,500 RPM testing, the inclusion of the deleted phrase could be confusing and be construed as setting up a continuous loop between the criteria for the 2,500 RPM test and the ASM5015 test. The deletion of this phrase makes clear that a motor vehicle that does not meet the criteria of N.J.A.C. 7:27-15.5(g)1 or 2 (and, on and after June 1, 2003, is not OBD-equipped or OBD-eligible) will be subject to the ASM5015 test.
- At N.J.A.C. 7:27-15.5(g)3, the Department is making a grammatical correction by substituting “any” for “either” and is substituting, at N.J.A.C. 7:27-15.5(g)3ii, the phrase “that is not OBD-eligible” for the phrase “presented for inspection at an inspection facility where Department-approved OBD equipment has been installed.” This will both clarify that a motor vehicle of model year 1996 or later will be subject to an ASM5015 emissions test if it is not OBD-eligible and will remove the inadvertent reference to facilities not yet equipped to perform OBD inspections;

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- At N.J.A.C. 7:27-15.5(m), the Department is adding the sentence “A motor vehicle that is not equipped with an OBD system is not OBD-eligible” to make clear that only OBD-equipped vehicles are capable of receiving an OBD inspection;
- At N.J.A.C. 7:27-15.5(m), the Department is also adding the term “obstructed” to the list of adjectives describing a DLC which will not be considered to be “in a location not readily accessible during a typical inspection procedure.” “Obstructed,” like “damaged,” “removed” and “modified,” describes a condition that the Department distinguishes from a bona fide design defect of the motor vehicle outside of the owner’s control where it would be appropriate to forgo an OBD inspection because of accessibility limitations. This term was inadvertently omitted from the proposal of these provisions and is added now to close the loophole that would otherwise have been available to motorists wishing to avoid OBD inspections by simply obstructing access to the DLC; and
- At N.J.A.C. 7:27B-5.2(a), the Department has added the word “inclusive” for greater clarity.

Several documents are cited within this rulemaking as references or as documents being incorporated by reference. Copies of these documents may be requested from:

New Jersey Department of Environmental Protection  
Public Access Center  
401 E. State Street, 1st floor  
PO Box 402  
Trenton, N.J. 08625

An additional source of such referenced documents is the website of the USEPA at:  
<http://www.epa.gov/epahome/rules.html#proposed>.

Visit our website at: [www.state.nj.us/dep/aqm](http://www.state.nj.us/dep/aqm), where Air Quality Management rules, proposals, adoptions and SIP revisions are available.

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### **Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1995, c.65), require State agencies which adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted amendments, new rules and repeals to the Department's enhanced I/M program rules do not modify the program design so as to impose standards or requirements that exceed any Federal standards or requirements. (The Federal regulations that control establishment of enhanced I/M programs, including on-board diagnostic inspections, are set forth generally at 40 C.F.R. Parts 51 and 85.) Specifically, the Department is adopting the establishment of the regulatory framework for the implementation of mandatory OBD inspections, and to continue indefinitely the existing "initial" ASM5015 emission standards, by removing (until they can be replaced with more appropriate standards) the "final" ASM5015 emission standards. The adopted program design for the implementation of mandatory OBD inspections does not exceed the Federal requirements set forth at 40 C.F.R. Parts 51 and 85, nor does this adoption impose ASM5015 standards that exceed Federal requirements for those standards provided by the USEPA. Accordingly, neither Executive Order No. 27 (1994) nor N.J.S.A. 52:14B-23 requires a cost-benefit analysis.

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**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

#### **7:27-15.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Data link connector” or “DLC” means a standardized 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

...

"Motor vehicle testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B-5, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-5.9, Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-5 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, dynamometers, on-board diagnostic scanners and analyzers, fuel cap leak testers, and computers and related software.

...

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-15.5(m).

“On board diagnostics” or “OBD” means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

#### **7:27-15.5 Motor vehicle inspections**

(a) (No change.)

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- (b) The motor vehicle shall be inspected at least once every two years. This biennial inspection shall be deemed an "on-cycle" inspection and shall include an initial inspection, together with any reinspections required pursuant to (h) below. In addition, in accordance with its procedures, the DMV may require the owner of a motor vehicle to have it inspected more frequently than every two years. Such more frequent inspections shall be deemed to be "off-cycle" inspections and shall also include an initial inspection together with any reinspections required pursuant to (h) below. In the case of a motor vehicle subject to the school bus inspection program\*[,]\* as generally set forth at N.J.A.C. 13:20-30, an initial inspection shall be required semi-annually as provided at N.J.A.C. 13:20-30.13.
- (c) Initial inspections and reinspections for an on-cycle or an off-cycle inspection shall be performed at either an official inspection facility or at a PIF, or, in the case of a motor vehicle subject to the DMV's school bus inspection program\*[,]\* as generally set forth at N.J.A.C. 13:20-30.1, at the premises or place of business of the operator of such vehicle, as provided at N.J.A.C. 13:20-30.13.
- (d) A motor vehicle inspection is not complete until:
  - 1. The motor vehicle passes all of the tests and satisfies all of the requirements, as specified in (f) below, that constitute the inspection or reinspection at an appropriate inspection facility, as specified in (c) above; or
  - 2. (No change.)
- (e) The motor vehicle shall be inspected as presented at the inspection facility without repair or adjustment prior to the inspection.
- (f) A motor vehicle inspection shall include the following:
  - 1. (No change.)
  - 2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an exhaust emission test or an OBD inspection utilizing motor vehicle testing

equipment approved by the Department. The specific exhaust emission test or OBD inspection to be conducted shall be determined in accordance with (g) below;

3. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C.7:27B- 5.6;
4. For an LDGV, LDGT or HDGV originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B- 5.8; and
5. (No change in text.)

(g) On and after June 1, 2003, an OBD- \*[equipped and]\* eligible motor vehicle will receive an OBD inspection. For \*[all other]\*\*a\* motor vehicle \*[s]\* **that is not OBD-eligible and for all motor vehicles inspected prior to June 1, 2003,\*** the exhaust emission test to be used pursuant to (f)2 above shall be as follows:

1. The idle test set forth at N.J.A.C. 7:27B-5.3(b), if the motor vehicle is \*[any]\* **either**\* of the following types:
  - i. A motor vehicle of model year 1980 or earlier; or
  - ii. A motor vehicle that has a GVWR in excess of 8,500 pounds;
2. The 2,500 RPM test set forth at N.J.A.C. 7:27B-5.4, if the motor vehicle is any of the following types and is not otherwise designated for testing with \*[either]\* the idle test, as determined at(g)1 above \*[, or the ASM5015 test, as determined at (g)3 below]\*:
  - i. A motor vehicle of model year 1981 or later that employs either full-time four-wheel drive or non-disengageable traction control;
  - ii. A low mileage vehicle of model year 1981 or later; or

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- iii. A gasoline-fueled motor vehicle subject to inspection as part of the school bus inspection program, as generally set forth at N.J.A.C. 13:20-30.13; or
- 3. The ASM5015 test set forth at N.J.A.C. 7:27B-5.5, if the motor vehicle is **\*[any]\* \*either\*** of the following types and is not otherwise designated for testing with either the idle test, as determined at (g)1 above, or the 2,500 RPM test, as determined at (g)2 above:
  - i. A motor vehicle of model year 1981 through model year 1995; or
  - ii. A motor vehicle of model year 1996 or later **\*[, presented for inspection at an inspection facility where Department-approved OBD equipment has been installed]\* \*that is not OBD-eligible\***;
- (h) The owner of a motor vehicle that fails to pass all of the tests that constitute a motor vehicle inspection pursuant to (f) above shall have it reinspected in accordance with every applicable element of (f) above by the deadline specified by the DMV at N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), as applicable. Operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State shall be prohibited pursuant to N.J.A.C. 7:27-15.3(c) unless, by the deadline established by the DMV at N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), as applicable:
  - 1. The motor vehicle passes all of the tests and meets all the requirements that constitute the inspection or reinspection; or
  - 2. (No change.)
- (i) An on-road inspection conducted pursuant to N.J.A.C. 13:20-43.14 may include the following:
  - 1. (No change.)

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2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an idle test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.3(b);
  3. A 2,500 RPM test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.4;
  4. An ASM5015 test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.5;
  5. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B- 5.6;
  6. For an LDGV, LDGT or HDGV originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.8;
  7. For an LDGV or LDGT of model year 1996 or later, an OBD inspection utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.7; and
  8. (No change in text.)
- (j) - (l) (No change.)
- (m) **\*A motor vehicle that is not equipped with an OBD system is not OBD-eligible.\***

A motor vehicle of model year 1996 or later that is equipped with an OBD system will be presumed to be eligible for an OBD inspection unless it meets one of the following criteria:

1. The motor vehicle has a DLC which is in a location not readily accessible during a typical inspection procedure, provided that the DLC is in its original

configuration as supplied by the motor vehicle manufacturer and has not been **\*obstructed,\*** damaged, removed or modified;

2. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, has difficulty setting or maintaining an adequate number of readiness monitors;
  3. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, employs a communications protocol which is currently incompatible with approved motor vehicle testing equipment; or
  4. The motor vehicle is otherwise identified by the USEPA or the Department as not technologically or functionally capable of OBD inspection.
- (n) The Department shall maintain a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria set forth at (m) above. A copy of this list will be available from the Department by contacting the Bureau of Transportation Control at (609) 530-4035 and can also be viewed and downloaded from the Department's website at [www.state.nj.us/dep/aqm](http://www.state.nj.us/dep/aqm).

#### **7:27-15.6 Motor vehicle inspection standards**

- (a) A light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when measured using the test procedure established at N.J.A.C. 7:27B-5.3(a).
- (b) A light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit carbon monoxide (CO), hydrocarbons (HC), or oxides of nitrogen (NO<sub>x</sub>) in the exhaust emissions in excess of the following standards:
  - 1.-2. (No change.)

#### TABLE 2

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**EXHAUST EMISSION STANDARDS  
FOR THE 2,500 RPM TEST**

(No change.)

3. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the ASM5015 test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 3 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.5.

**TABLE 3  
EXHAUST EMISSION STANDARDS  
FOR THE ASM5015 TEST  
LDGVs Powered by Gasoline**

<u>Model Years</u>	<u>HC*</u>	<u>CO*</u>	<u>NO<sub>x</sub>*</u>
1981-1982	4	13	19
1983-1990	4	11	19
1991-1995	2	10	18
1994+ Tier 1	1	9	17

\*The numbers given in this column refer to the appropriate column number in Table 4 below, which contains the actual exhaust emission standards.

**LDGVs Powered by a Fuel Other Than Gasoline  
(Reserved)**

**LDGT1s Powered by Gasoline**

<u>Model Years</u>	<u>HC*</u>	<u>CO*</u>	<u>NO<sub>x</sub>*</u>
1981-1983	8	16	24
1984-1987	6	15	24
1988-1990	6	15	20
1991-1995	5	13	19

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1994+ Tier 1

(≤3750 LVW)	1	9	17
(>3750 LVW)	2	10	18

\*The numbers given in this column refer to the appropriate column number in Table 4 below, which contains the actual exhaust emission standards.

LDGT1s Powered by a Fuel Other Than Gasoline  
(Reserved)

LDGT2s Powered by Gasoline

<u>Model Years</u>	<u>HC*</u>	<u>CO*</u>	<u>NO<sub>x</sub>*</u>
1981-1983	8	16	24
1984-1987	6	15	24
1988-1990	6	15	23
1991-1995	5	13	22
1994+ Tier 1			
(≤5750 LVW)	2	10	18
(>5750 LVW)	5	13	21

\*The numbers given in this column refer to the appropriate column number in Table 4 below, which contains the actual exhaust emission standards.

LDGT2s Powered by a Fuel Other Than Gasoline  
(Reserved)

TABLE 4 (No change to text)

4. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using an OBD inspection conducted in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.7, it shall be considered to have passed said inspection unless:

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- i. The DLC can not be found or is damaged/obstructed in such a way as to not allow a connection between the analyzer and the motor vehicle;
  - ii. Communication can not be established between the analyzer and the vehicle's OBD system;
  - iii. The MIL is not illuminating when commanded to light;
  - iv. The number of systems which have readiness monitors which are not ready for inspections exceeds the following criteria: three "not ready" codes for motor vehicles model year 1996 through 2000 and two "not ready" codes for motor vehicles model year 2001 and newer, as established at 40 C.F.R. §51.357, incorporated herein by reference;
  - v. DTCs have been detected by the OBD system to cause the MIL to be commanded on; or
  - vi. A motor vehicle fails an initial OBD inspection as indicated by one or more catalyst DTCs, and fails a tailpipe test conducted on reinspection to confirm catalyst repairs in the case where the catalyst readiness monitor indicates the monitor is not ready during the OBD reinspection.
- (c) A gasoline-fueled motor vehicle which is subject to inspection pursuant to N.J.A.C. 7:27-15.5(a) shall, as a condition of compliance with said inspection, have a properly functioning and properly maintained emission control apparatus as determined according to the inspection test procedures established at N.J.A.C. 7:27B- 5.6.
- (d) Except as provided in (e) and (f) below, the applicability of the standards set forth in this subchapter and of the test procedure set forth at N.J.A.C. 7:27B-5.3 through 5.8, inclusive, to a motor vehicle with an engine other than the engine originally installed by the manufacturer shall be based on the chassis type and model year of the motor vehicle, not on the engine model year.

- (e) A motor vehicle that is modified to operate solely on a fuel other than that for which the motor vehicle was originally equipped shall be subject to the test procedures and standards applicable to a motor vehicle of the current fuel type. If the motor vehicle's fuel type after modification is one to which this subchapter does not apply (for example, a gasoline engine replaced with a diesel engine), the motor vehicle shall be exempt from this subchapter. If the motor vehicle's fuel type after modification is a fuel type to which this subchapter applies, but is other than gasoline (for example, a gasoline engine modified to operate solely on natural gas), the standards applicable to that motor vehicle shall be those prescribed in the Tables 1, 2 and 3 above for motor vehicles powered by a fuel other than gasoline. Until such time that applicable exhaust emission standards are promulgated for motor vehicles powered by fuels other than gasoline, such vehicles shall be exempt from exhaust emission testing when operating on a fuel other than gasoline.
- (f) A motor vehicle that is modified or manufactured to operate on more than one fuel type shall be subject to exhaust emission standards that apply to the motor vehicle for each fuel type for which the motor vehicle is equipped. Such motor vehicle shall be subject to an exhaust emission test for each fuel type on which it operates and shall comply with all applicable standards for each fuel type. Such motor vehicle shall also be subject to a fuel cap leak test when operating on gasoline. If the motor vehicle is capable of simultaneous operation on more than one fuel type (for example, flexible fuel, gasoline-methanol vehicle), the motor vehicle shall be subject to an exhaust emission test using the fuel mixture in the vehicle at the time of inspection and subject to the exhaust emission standards applicable to vehicles powered by gasoline. When operating on a fuel other than gasoline, the exhaust emission standards applied to a motor vehicle shall be those prescribed in the Tables 1, 2 and 3 above for motor vehicles powered by a fuel other than gasoline. Until such time that applicable

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exhaust emission standards are promulgated for motor vehicles powered by fuels other than gasoline, such vehicles shall be exempt from exhaust emission testing when operating on a fuel other than gasoline.

(g) (No change.)

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## APPENDIX

The following table highlights the provisions of N.J.A.C. 7:27-15.5(g) to show generally the exhaust emissions test or OBD inspection to be administered to each category of vehicle inspected or reinspected:

Test/model year	1980 and older	1981 - 1995	1996 and newer*
idle	all	GVWR > 8500	GVWR > 8500
2,500 RPM	-	all-wheel drive, low mileage, etc. school bus	all-wheel drive, low mileage, etc. school bus
ASM5015	-	all others not covered above	all others not covered above
OBD (after 6/1/2003)	-	-	all OBD-equipped and eligible

\*Note: On and after June 1, 2003, an OBD-equipped and eligible motor vehicle will receive an OBD inspection.

## **SUBCHAPTER 5. AIR TEST METHOD 5: TESTING PROCEDURES FOR GASOLINE-FUELED VEHICLES**

### **7:27B-5.1 Definitions** (No change from proposal.)

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

...

“Data link connector” or “DLC” means a standardized 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

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...

“Key on engine off” or “KOEO” means the motor vehicle ignition position of key-on, engine-off. This may be denoted on some ignitions by a "run" position and is the key position just prior to holding the key in the "start" position to start the engine. Although this is the same key position as KOER, the KOEO position implies that the motor vehicle engine is not running.

“Key on engine running” or “KOER” means the motor vehicle ignition position of key-on, engine-running. This may be denoted on some ignitions by a "run" position and is the key position just prior to holding the key in the "start" position to start the engine. Although this is the same key position as KOEO, the KOER position implies that the motor vehicle engine is running.

...

“Malfunction indicator light” or “MIL” means the light located on the dashboard instrument panel of an OBD-equipped motor vehicle that indicates a malfunction detected by the OBD system by illuminating the words "check engine," "service engine," or an engine pictograph with the word "check" or "service."

"Motor vehicle testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B-5, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-5.9, Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27-15 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, dynamometers, on-board diagnostic scanners and analyzers, fuel cap leak testers, and computers and related software.

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-15.5(m).

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“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

“Readiness” means the state of a motor vehicle’s OBD system that has successfully completed self-diagnostic routines on all supported subsystems as indicated by a showing of “ready” on all supported readiness monitors. Readiness does not indicate that the motor vehicle has passed the OBD inspection but only that the motor vehicle’s OBD system is ready for inspection.

"Readiness monitors" means the various indicators used by a motor vehicle's on-board computer to record the status of subsystem diagnostic routines. A readiness monitor may record a subsystem as “ready,” “not ready” or “not supported.”

...

#### **7:27B-5.2 General instructions for all tests**

- (a) An inspector, conducting an emissions test on a gasoline-fueled motor vehicle pursuant to any provision of this subchapter, including, but not limited to, N.J.A.C. 7:27B-5.3 through 5.8, **\*inclusive,\*** shall perform the test in accordance with the following general procedures:
  - 1. - 8. (No change.)
- (b) Equipment to be used in conducting an emissions test on a gasoline-fueled motor vehicle in accordance with N.J.A.C. 7:27-15.5 shall satisfy all specifications and standards for motor vehicle testing equipment as set forth at N.J.A.C. 7:27B-5.9.
- (c) An inspector conducting a motor vehicle emissions test on a gasoline-fueled motor vehicle as set forth in this subchapter shall use only motor vehicle testing equipment that has been approved by the Department prior to its use in the test. Approval by the Department is based on the following criteria:

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1. The equipment conforms to the requirements set forth at N.J.A.C. 7:27B-5.9;
  2. - 4. (No change.)
- (d) (No change.)

**7:27B- 5.6** (No change in text.)

**7:27B- 5.7 Procedures for the on-board diagnostics inspection**

- (a) The procedure for the OBD inspection, to be used to determine a motor vehicle's compliance with the OBD inspection requirements at N.J.A.C. 7:27-15.5(f)2, is specified as follows:
1. Turn off the motor vehicle's engine and connect the analyzer to the motor vehicle computer via the DLC located on the motor vehicle;
  2. If the DLC is damaged, missing or obstructed, the motor vehicle has failed the OBD inspection;
  3. Determine if the MIL is functional by briefly turning the motor vehicle ignition system to the KOEO position;
  4. If the MIL is not functional, the motor vehicle has failed the OBD inspection;
  5. Start the motor vehicle and leave the engine running. The analyzer will attempt to communicate with the motor vehicle's OBD system;
  6. If the analyzer cannot successfully communicate with the motor vehicle's OBD system, the motor vehicle has failed the OBD inspection;
  7. If the analyzer successfully communicates with the motor vehicle OBD system, it will then retrieve stored information relating to the identification of the motor vehicle and any malfunctions recorded by the OBD system;
  8. If the analyzer determines that the OBD system or the motor vehicle is malfunctioning, the motor vehicle has failed the OBD inspection;

9. If the analyzer indicates that the motor vehicle does not meet the EPA's criteria for "readiness," that is, if the vehicle's OBD system does not indicate that the critical number of supported readiness monitors have been set, the motor vehicle is deemed "not ready" for an OBD inspection and has failed the OBD inspection;
  10. If the analyzer indicates that the motor vehicle is deemed "ready" and determines that all components of the OBD system are functioning properly, and the OBD system is not indicating any malfunctions of the motor vehicle, then the motor vehicle has passed the OBD inspection;
  11. A motor vehicle that failed an initial OBD inspection for not having a properly functioning catalyst must, on reinspection, pass both the OBD inspection and the appropriate tailpipe exhaust test, as determined at N.J.A.C. 7:27-15.5(g), if, on reinspection, the readiness monitor is not set (that is, is "not ready") for the motor vehicle's catalyst.
- (b) The OBD inspection procedure is largely a process whereby the motor vehicle testing equipment and the motor vehicle's OBD system interface and exchange information. As such, the description of the on-board diagnostics inspection procedure set forth at (a) above is a brief, simplified description that does not contain explicit technical details. A more detailed flow chart version, reflecting the logic flow of pass and fail determinations within the procedure, as well as the Department's OBD equipment specifications, which contain additional technical details, are available electronically by contacting the Department's Bureau of Transportation Control at (609) 530-4035.
- (c) In the case of a motor vehicle that is not OBD-eligible, as determined by the Department in accordance with N.J.A.C. 7:27-15.5(m), the procedure to be used to determine compliance with the OBD inspection requirements at N.J.A.C. 7:27-15.5(f)2, is specified as follows:

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1. Determine if the MIL is functional by briefly turning the motor vehicle ignition system to the KOEO position;
2. If the MIL is not functional, the motor vehicle has failed the OBD inspection;
3. Start the motor vehicle and leave the engine running. Determine if the MIL remains illuminated while the engine is running;
4. If the MIL is illuminated with the engine running, the motor vehicle has failed the OBD inspection;
5. Administer the appropriate tailpipe exhaust test, as determined at N.J.A.C. 7:27-15.5(g);
6. If the MIL is determined to be functional and is not illuminated with the engine running, then the results of the appropriate tailpipe exhaust test will be used to determine the pass or fail status of the motor vehicle;
7. If the motor vehicle has failed the OBD inspection described in (c)1 through 4 above, the reinspection of the motor vehicle shall include both a repeat of the procedure described in (c)1 through 4 above and, if it has also failed the appropriate tailpipe exhaust pursuant to (c)5 above, a repeat of the tailpipe exhaust test.

**7:27B- 5.8 Procedures for the fuel cap leak test**

- (a) An inspector conducting a fuel cap leak test to determine a gasoline-fueled motor vehicle's compliance with the fuel cap leak test requirements at N.J.A.C. 7:27-15.5(f)4 shall perform the test as follows:
  1. (No change.)
  2. Until EPA promulgates such procedures and standards, the applicable procedures and standards shall be those described in the EPA technical guidance document EPA420 R-00-007, entitled IM240 and Evap Technical

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Guidance, incorporated herein by reference. A copy of this EPA technical guidance document may be obtained from the Public Access Center in the Department of Environmental Protection.

**7:27B-5.9 Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program**

- (a) (No change.)
- (b) Equipment used for performing the ASM5015 test, as set forth at N.J.A.C. 7:27B-5.5, shall conform with the following:
  - 1 (No change.)
  - 2. Until EPA promulgates such specifications, the applicable specifications shall be those described in the EPA technical guidance document EPA-AA-RSPD-I/M-96-2, entitled Acceleration Simulation Mode Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications, July 1996, incorporated herein by reference. A copy of this EPA technical guidance document may be obtained from the Public Access Center in the Department of Environmental Protection.
- (c) Equipment used for performing the fuel cap leak test, as set forth at N.J.A.C. 7:27B-5.8, shall be in accordance with the following:
  - 1. (No change.)
  - 2. Until EPA promulgates such specifications, the applicable specifications shall be those described in the EPA technical guidance document EPA420 R-00-007, entitled IM240 and Evap Technical Guidance, incorporated herein by reference. A copy of this EPA technical guidance document may be obtained from the Public Access Center in the Department of Environmental Protection.

This adoption was filed with the Office of Administrative Law which may have edited it before publishing it in the New Jersey Register. Please refer to the January 21, 2003 New Jersey Register (35 N.J.R. 429(a)) for the official text of the adoption.

- (d) Equipment used for performing the OBD inspection, as set forth at N.J.A.C. 7:27B-5.7, shall be approved by the Department as provided at N.J.A.C. 7:27B-5.2(c) and shall conform with the provisions of 40 C.F.R. 85.2231, and all subsequent revisions thereto, incorporated herein by reference.