

AIR QUALITY BOARD
Rules and Regulations

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AIR QUALITY BOARD
Rules and Regulations

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I. AUTHORITY FOR ADOPTION

These Rules and Regulations are established by the Air Quality Board under authority of ordinances titled “Motor Vehicle Emissions Control Ordinance”

Title 6, Chapter 1-3 of the Ada County Motor Vehicle Code

City of Boise, Idaho ordinance Number 5273

Garden City Ordinance Number 558

City of Meridian Ordinance 547

City of Eagle Ordinance Number 177

II. DEFINITIONS

- A. **Air Quality Board (AQB):** **May refer to** the governing body of the **entity responsible for the AIR Program or the entity itself. Some AQB duties and responsibilities including day to day operations are delegated or assigned to the Executive Director and/or staff.**
- B. **AIR Program Station:** ~~an~~ **A “test only” approved inspection facility or “test only sideline station”** which meets the licensing requirements for an initial emissions test station as outlined in these Rules and Regulations. ~~Shall include “test only sideline stations”~~
- C. **AIR Program Retest Station:** an approved repair facility which meets the licensing requirements for a repair and retest station as outlined in these Rules and Regulations.
- D. **Audit Gas:** the gas specified by the AQB to be used for AIR Program station audits.
- E. **Automotive Inspection and Readjustment Program (AIR):** the program established by Joint Powers Agreement # 1291 between Ada County, and the cities of Boise, Meridian, Eagle, and Garden City to reduce vehicular pollution levels in Ada County.
- F. **Calibration Gases:** gases of manufacturer’s specified concentration which are used as references for establishing or verifying the calibration curve of an exhaust analyzer **as described in Section IV.H, Test Gas Specifications.**
- G. **Certificate of Compliance:** the printout from an Air Quality Board approved analyzer showing the results of an emissions inspection (failed test results are **considered** valid certificates when accompanied by a Request for Waiver ~~form~~ **and only for such time until the reason(s) for the waiver are remedied or the time limit specified on the approved request for waiver form has expired, whichever comes sooner**).
- H. **“Emissions Technician”** means a person who has:
 - 1) Qualified by passing a written and practical exam given by Air Quality Board personnel.
 - 2) Successfully demonstrated the ability to operate, calibrate, and maintain the required analyzers.
 - 3) Applied for and maintains a valid “Emissions Technician” license.
- I. **Emission Test:** the analysis of the exhaust gases emitted from a motor vehicle. **A visual inspection as well as an OBDII and/or tailpipe testing are included in all emission tests.**

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J. Exempt Motor Vehicle: A vehicle which:

- 1) Is a 1980 or older model year vehicle.
- 2) Is powered by other than gasoline or diesel fuel (propane, electric, hybrid, etc.).
- 3) Is a manufacturer's model year vehicle which is within 4 years of the current calendar year (i.e. 2007 model year vehicles and newer would be exempt through the end of 2010).
- 4) Has a maximum vehicle gross weight of less than 1,500 pounds.
- 5) Is registered as a Motor Home.
- 6) Is registered **solely** as an Idaho Old Timer or Classic Vehicle. **Any vehicle with a classic plate and regular vehicle registration shall be subject to testing.**
- 7). **Is a registered vehicle that is engaged solely in the business of agriculture.**

K. Model Year: the year shown on the motor vehicle registration.

L. Motor Vehicle: as defined by the Idaho Code.

M. Non-Exempt Motor Vehicle: Any vehicle which:

- 1) Is a 1981 or newer model year vehicle.
- 2) Is powered by gasoline or diesel fuel.
- 3) Weighs over 1,500 pounds.
- 4) Is not a model year vehicle within 4 years of the current calendar year.
- 5) Is not registered as a Motor Home.
- 6) Is not registered as an Idaho Old Timer vehicle or Classic vehicle.

N. Span Gas: an authorized AIR Program gas used in weekly analyzer span procedure as described in Section IV.H.

O. Station Sign: the official public designation of an AIR Program Station.

P. **Defined as a fee levied against the owner of a Non-Exempt Motor Vehicle who fails to present said vehicle for an Exhaust Emissions Inspection during the Inspection Period as provided in Ordinance #374m, the Ada County Motor Vehicle Emissions Control Ordinance dated June 15, 1999, section 6-1-3-10.**

III. EMISSIONS TECHNICIAN LICENSE

A. Applications for License

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Application for a license as an Emissions Technician shall be filed with the Air Quality Board. Applications for the Emissions Technician License shall be completed on forms provided by the AQB.

B. Fees

1. The application fee for an Emissions Technician License ~~is~~ shall be \$30.00, payable to the Air Quality Board (AQB). ~~There is no fee for annual renewal.~~ There are no refunds of application fees.
2. Fees for an Emissions Technician License shall be due upon application for license. Payment must be made with a check or money order ~~drawn~~ payable to the Air Quality Board.

C. Requirements for Issuance of an Emissions Technician License:

An applicant must demonstrate the knowledge and skill necessary to perform an emissions test of motor vehicle engines. Such knowledge and skill will be shown by passing the following two tests:

1. A written or oral Emissions Technician Qualification Test (which is approved by the Executive Director), with a minimum of an 80% score ~~that~~ and which tests the applicant's knowledge of the following:
 - a) Operation of an exhaust gas analyzer, including the performance of a ~~span~~ (calibration) gas procedure and;
 - b) Those portions of the "Rules and Regulations" with which a technician needs to be familiar in order to effectively carry out his duties. Each candidate shall be provided with a copy of the most current Rules & Regulations.

Note: If an oral exam is given, a written list of answers must accompany the test answer sheet. Interpreters for non-English speaking applicants are to be provided by the applicants.

- c) Should an applicant for an Emissions Technician License fail to pass after taking the oral exam three times, that applicant shall be ~~prohibited from taking the oral exam for a period of one year (365 days) from the date of the third failed test~~ required to pay an additional License fee of \$30 for each subsequent exam taken.
2. A performance test (approved by the Executive Director) that demonstrates the applicant's skill in the performance of emissions testing. The performance test will be comprised of one or more of the following items as determined by the Air Quality Board personnel administering the evaluation.
 - a) Visual inspection of the required emissions control equipment for 1984 and newer vehicles.
 - b) Demonstration of skill in the proper analyzer use, care, maintenance, and gas ~~spanning~~ calibration.
 - c) Demonstration of ability to conduct the emissions test.
 - d) Demonstration of ability to properly use AIR Program forms.

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- e) If computer scenarios are used for this test they shall be uniform for all candidates.

A maximum of three failed performance tests shall be allowed. Failure to pass within three attempts shall result in the applicant being disallowed from further performance testing unless each such subsequent test is accompanied by a \$30 performance testing fee.

3. Applicants for an Emission Testing License may be required to pass a drug screening test by any station owner considering hiring said applicant. Passing shall be indicated by a negative result to all substances tested for. A copy of said test results shall be sent to and become the property of the AQB.

D. Approval Procedure

Applications submitted to the AQB will be reviewed for compliance with paragraph III C above. Applicants successfully meeting the requirements for Emissions Technician License will be issued an Emissions Technician License by the AQB.

E. Transfer of Emissions Technician License

1. The Emissions Technician must notify the AQB, in writing within five (5) **business** days, when he/she begins employment at another AIR Program Station or is no longer employed as an Emissions Technician. **E-mail communications will be deemed as sufficient.**
2. The AIR Program Station must notify the AQB in writing within five (5) **business** days after employing an Emission Technician who is transferring his/her Emissions Technician License. **E-mail communications will be deemed as sufficient.**

F. ~~Lapse~~ **Renewal & Forfeiture of Emissions Technician License**

1. It is the responsibility of the Emissions Technician to pursue license renewal. **Emission technician licenses shall be subject to renewal every 36 months. Renewal is predicated on the successful completion of a 50 question re-qualification exam with a passing score of 80% as well as completion of at least 3 continuing education sessions offered by AQB staff. Renewals shall begin on March 31, 2020 with all Licensed Emission Technicians holding a current license for at least the 36 month required period prior to March 31, 2020 to be subject to renewal at that time. All other Licensed Technicians shall be subject to renewal upon completion of 36 months of licensure. There shall be a fee of \$30 for an Emission Technician License renewal. Notification shall be sent from AQB to each licensed technician approaching renewal approximately 6 months as well as approximately 90 days in advance of such renewal.**
2. A person issued an Emissions Technician License who does not make application for renewal prior to expiration **or who shall not have attended the required number of continuing education sessions** shall be deemed to have forfeited ~~the~~ said License and shall be required to reapply, remit the required application fee, **attend the required 3 continuing education sessions** and pass the Emissions Technician Qualification Test(s) before a new license will be issued. **Technicians in a forfeit status shall have their licenses "locked out" until qualifications for a new license have been completed**

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3. Any Licensed Emissions Technician that leaves the active employment of a Licensed Emissions Station for a period of longer than 365 consecutive days shall forfeit said license unless said technician is up to date on any required continuing education requirements.

G. Re-qualification Requirements for Emissions Technician and ongoing technician continuing education opportunities

1. Emission Technicians shall be required to re-qualify **every 36 months** ~~if the AQB determines it is necessary~~ to **prove continued proficiency and** update their technical qualifications.
2. The AQB will mail a notice to the Emissions Technician's AIR Program Station address specifying requirements for re-qualification.
3. Continuing Education Training shall be offered to licensed technicians and/or station owners. Emission Technicians and station owners also licensed as emission technicians shall attend 3 training sessions within a 36 month period. Training shall be given at least quarterly. ~~A minimum of one such training shall be completed per year of licensure.~~ Knowledge of and the ability to accurately demonstrate competence regarding subject matter covered is mandatory.

H. Revocation of Emissions Technician License

1. The AQB has the authority to issue warnings, and suspend, or revoke an Emissions Technician License upon showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance ~~officer employees~~ to issue notices of alleged violation of these Rules and Regulations. **Revocation of license(s) shall be done solely by the Executive Director of AQB or an appeal hearing committee.**
2. Upon notice of alleged violation as described in paragraph 1 above, the technician /station cited may, within **5 business** ~~three work~~ days **from the date of notice, provide written notice to** ~~notify~~ the AQB that he/she requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five **business** ~~work~~ days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section V.J, **Appeal of Hearing.**
3. If a hearing is not requested the Executive Director will determine the validity of the ~~accusation~~ **violation** and, when necessary, impose appropriate penalties.
4. Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.

IV. LICENSING OF AIR PROGRAM STATIONS AND AIR PROGRAM RETEST STATIONS

A. General

1. No person or enterprise shall in any manner represent any place as an AIR Program Station or AIR Program Retest Station unless such station is operated under a valid license issued by the Air Quality Board.

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2. No license for any AIR Program Station or AIR Program Retest Station may be assigned, transferred or used by other than the original applicant for that specific station.
3. Applications for license as an AIR Program Station or AIR Program Retest Station shall be made on the forms provided by the AQB. No license shall be issued unless the AQB finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Section IV.C, Requirements for Licensing of an AIR Program Station or AIR Program Retest Station.
 - a) Applicants may choose to limit the performance of Emissions Tests to a particular fleet of motor vehicles, ~~make, model, type of motor vehicle or list of customers.~~
 - b) Should the station applicant elect to limit the performance of Emissions Tests, the station representative must indicate on the application form, the ~~type(s) of motor vehicle or fleet~~ the station will test. The AIR Program Station may be required to furnish the AQB with special reports describing the station's operating procedures.
 - c) Should the AIR Program Station desire to expand the emissions testing service to include new vehicle types or additional fleets, the station must notify the AQB in writing five (5) days prior to performing emissions tests on the additional vehicles. **The AQB may approve or deny such expansion according to current Station Licensing policy designating the type, status and location of stations offering similar testing services to what is expected with any such expansion.**
4. **The Air Program Stations and Air Program Retest Stations license shall be required to undergo renewal every 36 months. Applications for renewal shall be done on forms provided by AQB staff.**

B. Fees

1. The fee for **application issuance** of an initial station license is ~~\$30.00~~ **\$300.00**. **There are no refunds of an initial station license fee. Payment shall be made with cash, check or money order payable to the Air Quality Board.**
2. ~~Fees for issuance of the station license shall be due upon issuance. Payment must be made with a check or money order drawn to the Air Quality Board.~~ **The fee for issuance of a renewal to an existing Station License shall be \$30.**

C. Requirements for Licensed AIR Program Stations

In order to qualify for issuance ~~and continuance~~ of an AIR Program Station License, an establishment must meet the following requirements:

1. Must have a permanent location.
2. Must sign **an agreement** ~~a contract~~ to guarantee that ~~pledging~~ the station will not make any emissions related adjustments or repairs on the vehicles it emissions tests. (AIR Program Stations limiting emissions testing to a particular fleet of vehicles are exempted from this paragraph.)

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3. Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board. **The individual may also be the station owner.**
4. Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E, **Record Keeping.**
5. Must obtain and maintain in force appropriate business liability **and workman's compensation** insurance.
6. Must have the following tools, equipment and supplies available for performance of the emissions test.
 - a. AQB approved NDIR exhaust analyzer. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
 - b. Test gas bottles **with current date**, a gas pressure meter which registers calibration bottle pressure, and a pressure regulator for gas spanning of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.
 - c. Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
 - d. A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.
7. Pay to AQB the required licensing fee **upon application.**
8. **Applicants for a station license of any kind shall pass a drug screening test at the applicant's expense from a facility that complies with Idaho Code Title 71 Chapter 17. Passing shall be indicated by a negative result for all substances tested for. Test results shall be sent to and become the property of the AQB. Applicants may retain a copy.**

D. Requirements for Licensed AIR Program Retest Stations

In order to qualify for issuance and continuance of an AIR Program Retest Station License, an establishment must meet the following requirements:

1. Must have a permanent location.
2. Must employ at least one individual who has been issued an Emissions Technician License by the Air Quality Board.
3. Must demonstrate the ability to perform the emissions test and comply with reporting and record keeping requirements described in Section V.E, **Record Keeping.**

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4. Must obtain and maintain in force appropriate business liability and workman's compensation insurance.
5. Must have the following tools, equipment and supplies available for performance of the emissions test.
 - a. AQB approved exhaust analyzer. The analyzers will be kept in an environment which complies with the manufacturer's specifications. Repair of all exhaust gas analyzers shall be in accordance with the manufacturer's procedures using specified replacement parts. Each NDIR exhaust analyzer will have an associated users manual, published by the original equipment manufacturer, which includes analyzer model and serial number, analyzer calibration instructions, operating instructions, and the manufacturer's recommended periodic maintenance/inspection schedule and procedures. The service(s) to be performed only by the manufacturer shall be clearly identified.
 - b. Test gas bottles, a gas pressure meter which registers calibration bottle pressure and a pressure regulator for gas spanning /calibration of the analyzer or other systems that equalizes pressure and flow between the test gas bottle and the analyzer.
 - e. Non-reactive tailpipe extenders or probe adapter for inspecting vehicles with screened or baffled exhaust systems.
 - f. A diesel exhaust opacity analyzer approved by the Air Quality Board for use in the AIR Program.
 - e. An AIR Program Retest Station can act as a retest station for either gasoline powered vehicles, diesel powered vehicles or both. The AIR Program Retest Station must have the appropriate gas analyzer, as described above, for the type of retest being performed.
6. Pay to AQB the required licensing fee for an AIR Program Retest Station of \$50.
7. Applicants for an **Licensed AIR Program Retest Station** shall pass a drug screening test from a facility that complies with Idaho Code Title 71 Chapter 17. Passing shall be indicated by a negative test result to all substances tested for. Test results shall be sent to and become the property of the AQB. Applicant may retain a copy.
8. Continuing Education training shall be provided to licensed technicians and/or station owners. Attendance by technicians is advised but mandatory only for a session on Rules & Regulations. Attendance by Station Owners is also advised but not mandatory only for a session on Rules & Regulations. Training shall be given at least quarterly. Knowledge of and the ability to accurately demonstrate competence regarding subject matter is mandatory.

E. Approval Procedure

1. Applications received by the Air Quality Board will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the Air Quality Board's review.
2. Stations which meet the requirements of Section IV.C, **Requirements for Licensed AIR Program Stations** will be granted an AIR Program Station License or AIR Program Retest Station License and issued an AIR Program Station sign. The station sign and license shall be

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posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the Air Quality Board.

F. Revocation of AIR Program Station or AIR Program Retest Station license. The Air Quality Board has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with established ordinances and these Rules and Regulations. This authority is established under the Motor Vehicle Emissions Control Ordinances. The AQB may assign the authority to issue warnings, and issue a Notice of Suspension. ~~or Notice of Revocation to its designated agents.~~ **Only the Executive Director, after consultation with the Board Chairman shall have the authority to revoke a license prior to a hearing being requested.**

1. The AQB, in accordance with controlling ordinances, delegates authority to its Quality Assurance employees to issue notices of ~~alleged~~ violation of these Rules and Regulations.
2. ~~Upon notice of alleged violation as described in paragraph 1 above, the station cited may, within three work days, notify the AQB that it requests a hearing on the issue. The Executive Director of the AQB (or the Chief, Quality Assurance in the Director's absence) will convene a hearing panel within five work days to determine the validity of the accusations and, if validated, impose penalties. This panel will consist of at least three members, one of whom will be a licensed emissions mechanic or station owner. Rulings of this panel will be imposed upon completion of said hearing. Findings of this panel may be appealed to the AQB in accordance with Section VI.~~
- ~~3. If a hearing is not requested the Executive Director will determine the validity of the accusation and, when necessary, impose appropriate penalties.~~
- ~~4. Violations and penalty guidelines are listed in Section V, Item H, Violations and Penalties.~~
2. **Requests for an Air Quality Board hearing following a notice of suspension or revocation of license must be made in writing to the Air Quality Board within five (5) business days of the date of the notice. The right to appeal and a hearing shall be considered to be relinquished if the request is not made within the above allotted time period.**
3. **Upon receipt of appeal notification, a Hearing Committee consisting of at least three members will be selected from regular members of the Air Quality Board of Directors.**
 - a. **Notice of hearing will be furnished to the appellant in writing within five (5) business days of receipt of the request. The hearing Committee will normally meet within five (5) business days of the notice, at which time the parties may present evidence, cross-examination or argument. The Hearing Committee, after considering all evidence, will determine if sufficient grounds for suspension or revocation exists, and, if so, the Hearing Committee will evaluate the imposed penalty. The Hearing Committee shall have the authority to approve, amend, delete, or otherwise change the imposed penalty as they see fit. The decision of the Hearing Committee is final.**
 - b. **Notice of the decision will be made to the appellant in writing within five (5) business days of the hearing. The notice will include the findings of fact that form the basis of the Hearing Committee's decision. A record of the hearing shall be maintained for one year.**
 - c. **The Air Quality Board or its agents shall not be held liable for any loss of revenue as the result of suspensions or revocations.**

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4. If a hearing is not requested the Executive Director will determine the validity of the accusation/**violation** and, when necessary, impose appropriate penalties.
5. Violation and penalty guidelines are listed in Section V, item H (5), Violations and Penalties.

G. Analyzer Specifications

1. No emissions test of a gasoline powered vehicle shall be performed unless the type of instrument used for measuring the exhaust gases has been approved by the Air Quality Board for use in the AIR Program.
2. No emissions test of a diesel powered vehicle shall be performed unless the type of instrument used for measuring the exhaust opacity has been approved by the Air Quality Board for use in the AIR Program.

H. Test Gas Specifications

1. Test Gas Blend
 - a. Test gas used for spanning exhaust gas analyzers will be produced and supplied to AIR Program Stations in accordance with EPA-A-A-TSS-83-8-B. A copy of this document is available at the Air Quality Board.
 - b. Containers
 - 1) Test gases shall be supplied in containers which meet all the provisions of the Occupational Safety and Health Administration (OSHA), as specified in 36 Federal Register 105, dated May 29, 1971.
 - 2) Containers may either be low pressure, 7.5 cubic foot DOT 39 non-rechargeable bottles or high pressure, reusable cylinder type. If high pressure, reusable type they must meet the following requirements:
 - a) The cylinder shall meet DOT specifications for 1-A, 3-A, 3-AA, T, or equivalent cylinders.
 - b) The rated service pressure shall be a minimum of 1800 psi.
 - c) GGA-350 Diaphragm packless valves shall be installed in the cylinders.
3. Production
 - a. The gas blender shall produce the test gas in batch form. A batch shall be considered to be any number of cylinders of identical concentrations produced at any given blending.
 - b. The gas blender must follow the blending procedure listed in the technical report, "EPA Recommended Practice For Naming T/M Calibration Gas," EPA-AA-TSS-~~83~~**97**-8-B, ~~September 1983~~ **updated**. The gas supplier must provide the Air Quality Board with documentation that will certify the gas was blended according to the above procedure. Copies of the procedure are available from the AQB.

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4. Gas Supplier Records

- a For each batch blended, a record must be kept by the gas supplier as to the whereabouts of each bottle sold. These records must be made available to the Air Quality Board. The records must be kept for one year from the time the last bottle of the batch is sold to an AIR Program Station.

5. Batch Recall Procedure

In the event a batch of test gas is suspected a being out of the specifications listed in Section IV.H.1a, **Test Gas Specifications** the AQB will follow the procedure below:

- a. The AQB will request the gas blender to locate all of the bottles from the batch.
- b. A check to verify the cylinder concentration will be made.
- c. If the batch is confirmed to be out of specifications, the gas supplier will be notified in writing. The gas supplier will have 14 days from the time of notification to provide the Air Program stations new bottles of test gas.
- d. The replacement test gas must be produced and undergo the same name verification and approval as specified above.
- e. A count of the recalled gas bottles and any bottles which were not located or recalled, for any reason, will be provided to the AQB. This information shall be provided to the AQB within 21 days of written notice.

V. AIR PROGRAM STATION AND RETEST STATION OPERATION

A. General

1. No person shall in any manner represent any place as an AIR Program Station for the performance of emissions tests unless the station has obtained an AIR Program Station license.
2. No person shall in any manner represent any place as an AIR Program Retest Station for the performance of emissions tests unless the station has obtained an AIR Program Retest Station license.
3. No person shall perform an AIR Program vehicle ~~exhaust~~ emissions test unless he/she possesses a valid Emissions Technician's License.
4. **All stations shall possess and maintain general liability and workman's compensation insurance.**
5. The station is required to notify the AQB in writing five (5) days after employing an Emissions Technician.
6. The station is required to notify the AQB within **five (5) business days of terminating an Emissions Technician. E-mail notification is sufficient.**

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7. Citizens of Ada County are required to present their vehicles to emission testing stations and they have a right to expect courteous, professional service. Being under the influence of illegal drugs, having alcoholic beverages on the premises, and smoking or using profanity while doing an emissions test are considered inappropriate by the Air Quality Board and will not be tolerated.
 - a. The Air Quality Board reserves the right to require technicians appearing to be under the influence of alcohol, controlled substances and/or illegal drugs to submit to drug testing.
 - b. The Air Quality Board will pay for testing and results will be kept confidential except where disclosure is required for disciplinary action.
8. Noncompliance with any section of this document ~~can~~ **shall** be justification for denial, suspension or revocation of ~~either~~ the Station License, Emissions Technician's License or both.

B. Verification of Exemption

1. Alternate Fuel Identification. AIR Program Stations are required to identify, at no charge, motor vehicles that are electric hybrids or ~~that do not have gasoline or diesel fueled engines~~ **are otherwise exempt**. Vehicle owners may bring their motor vehicles to any AIR Program Station to have their vehicle **so** identified. The licensed Emissions Technician will verify that the vehicle matches the information on the AQB notice form (if presented) and then enter and alternate fueled vehicle record into the analyzer **at no charge**. **If the notice form is not presented, regular testing procedures are to be followed**.
2. Vehicles of less than 1500 pounds gross vehicle weight. AIR Program Stations are required to use title/registration documents, technical descriptions, etc. to identify vehicles with a gross vehicle weight of less than 1500 pounds. When documentation is inconclusive, refer customer to the Air Quality Board.
3. Motorcycles, Farm Tractors, Classics and Idaho Old Timers. These vehicles should be exempted by Air Quality Board staff and should not receive notifications. If vehicle owners of these vehicles receive a notice of inspection, they should be referred to the Air Quality Board.

C. Certificates of Compliance

1. General
 - a. No person shall willfully make, issue or knowingly use any imitation or counterfeit Certificate of Compliance that designates the motor vehicle complies with the AIR Program.
 - b. No person shall possess a Certificate of Compliance if he knows the same is counterfeit or was issued for another motor vehicle, or was issued without an emissions test having been **correctly performed** ~~made~~.
2. Purchase of Certificates of Compliance

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- a. Any person acquiring a business which has been licensed as an AIR Program Station or AIR Program Retest Station is prohibited from using the AIR Program Station License or AIR Program Retest Station License **issued to the previous owner** and is prohibited from using the emissions testing equipment to produce a Certificate of Compliance until a new station license has been issued. **Any such activity shall result in the denial of a new AIR Program Station License to the individual anticipating said acquisition. Such denial shall not be subject to an appeal.**
- b. The act of performing an emissions test and issuing a Certificate of Compliance constitutes ~~the~~ **agreement to** purchase ~~of~~ the Certificate of Compliance from the Air Quality Board. Air Quality Board personnel ~~will~~ **may** periodically collect test data from all authorized emissions test analyzers. The Air Quality Board will ~~then~~ bill stations for the number of certificates issued **on a monthly basis**. Failure of a station to pay for Certificates of Compliance when charged is grounds for suspension **or revocation** of the station's license.
- c. **Currently**, payment for Certificates of Compliance is due ten (10) days from the billing date. **Should Certificates of Compliance be purchased in advance no billing shall be required.**
- d. The Air Quality Board will set the cost of Certificates of Compliance as part of its annual budgeting process. The cost will be calculated to cover all aspects of the operation of the Air Quality Board office but shall not exceed ~~\$3.50~~ **\$4.00** per Certificate of Compliance **as authorized under the 1999 Motor Vehicle Emissions Control Ordinance.**
- e. Whenever a vehicle owner does not pay for an emissions test the testing station may request the Certificate of Compliance be voided and not charged to the testing station. The AQB staff shall void the Certificate and notify the vehicle owner that the test performed is no longer valid.

D. Public Notices

1. Licensed AIR Program Stations and AIR Program Retest Stations shall post in a clearly legible fashion, in a conspicuous place inside the station:
 - a. Maximum fee chargeable for the emissions test;
 - b. Minimum expenditure required to qualify for waiver of emissions standards.
 - c. Station license;
 - d. Each Emissions Technician's License certificate;
 - e. **A sign showing all days and hours of operation. Failure to maintain such hours as scheduled shall constitute a violation as listed in Section H (5) herein.**
 - f. AIR Program motor vehicle model year **current** emissions standards;
2. The station shall post in a clearly visible place outside the station the official program sign issued by the Air Quality Board. AIR Program Stations that limit the performance of

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Emissions Tests as described in Section IV.A.3.a through c, are not required to display the station sign along with the public notice signs listed in Section V.D.1.a through e above.

- ~~3. Mobile stations must post in a visible place, either on a sign board or the body of the motor vehicle used to transport the analyzer and supplies, the notices in Section V.D.1 and 2 above.~~

E. Record Keeping

The emissions analyzer maintains internal records of sufficient quality and redundancy to eliminate the need for additional record keeping by AIR Program Stations. In the event that problems develop with maintaining and transferring data from the emissions testing analyzers, the Air Quality Board Director has the authority to require stations to keep printouts of all tests conducted until the problems have been remedied.

F. Quality Control

Quality control is the responsibility of the AIR Program Station. The emissions testing analyzer is designed to require the accomplishment of certain quality control measures on a regular basis. Emissions inspections cannot be performed if these quality control measures are not accomplished. **The emission testing analyzer shall be maintained according to the manufacturer's specifications. Any parts used in maintaining the analyzer shall be OEM qualified and approved for use by the manufacturer in order to validate existing analyzer maintenance agreements with the manufacturer. It is advised that a manufacturer's representative conduct all analyzer maintenance.**

G. AIR Program Station Reporting

- Vehicles tested during registration month: The AIR Program Station will keep all Alternate Powered /New Vehicle Certifications and Waiver forms until picked up by Air Quality Board personnel. **In addition:**
 - Individuals who have their vehicles tested after the required inspection month ~~may~~ **shall** be required to pay a ~~late charge~~, **"processing fee"** established by the Air Quality Board. ~~Thus far, no late charge penalty has been established. If the incidence of late inspections is great, this charge may be instituted to cover the increased workload caused by special handling required.~~ **The maximum charge for any such "processing fee" shall be \$10.00. Notice regarding this fee shall be included on each notice sent to vehicle owners.**
 - ~~When If late charges~~ **a "processing fee" is** ~~are~~ imposed, the AIR Program Station shall collect the ~~late charge~~ **"processing fee"** when performing the emissions test. ~~The AIR Program Station will be billed for all late tests accomplished.~~ **The AIR Program Station will remit to AQB in whatever manner prescribed the total of the Certificate fees plus processing fees for the period remitting.**

H. Violations and Penalties

- The complete operation of an AIR Program Station or AIR Program Retest Station shall be the responsibility of the station owner. Failure to comply with the appropriate provisions of these Rules and Regulations adopted by the Air Quality Board or the provisions of the enabling county/city ordinances will be considered sufficient cause for warning, imposing fines, and/or suspension or revocation of inspection licenses for either the station, emissions technician or both.

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2. Notice of Alleged Violation. If a violation of the enabling ordinances or these rules and regulations is detected or alleged, a Notice of Alleged Violation will be issued. Once a Notice of Alleged Violation is issued, the following procedures will be followed:
 - a. Notice issued to Emission Technician. The Executive Director of the AQB (or the ~~Chief~~, Quality Assurance **Officer** in the Director's absence) will convene a hearing panel within ~~three~~ **five work business days of the date of the notice to determine the validity of the accusations and, if validated, impose penalties.** ~~If the violation is validated, the executive director or his/her representative will immediately impose appropriate penalties after consulting with the Board Chairman and provide written notice of the decision and imposition of penalties to the technician. The assessment of fines and the revocation or suspension of a license may be appealed to the Board in accordance with the procedure in Section V.J. The Board will address the appeal and appoint an appeal committee at the next regularly scheduled meeting of the Board of Directors, subject to meeting notice requirements. Insufficient time for required notice of the Board of Directors meeting agenda shall result in a delay in addressing the appeal until the next regularly scheduled meeting thereafter. Penalties are subject to an appeal process as outlined in Section J herein. Notices sent by the Board shall be sent to the last known address of record and such shall be deemed valid for purposes of this section. Email notification shall be an acceptable method of notification in addition to mailed notification. This panel will consist of at least three members, one of whom will be a licensed emissions technician or station owner. Rulings of this panel will be decided by majority vote of the members. Penalties, when appropriate, will be imposed immediately upon completion of hearing. Findings of this panel may be appealed to the full AQB at its next scheduled meeting.~~
 - b. Notice issued to AIR Program Station or AIR Program Retest Station. The Executive Director of the AQB (or the ~~Chief~~, Quality Assurance **Officer** in the Director's absence) will complete an investigation into the alleged violation within ~~three~~ **five work days of the notice.** ~~If the violation is validated, the Director or his representative will immediately impose appropriate penalties after consulting with the Board Chairman and provide written notice of the decision and imposition of penalties to the Station owner. The assessment of fines and the suspension or revocation of a license may be appealed to the Board in accordance with the procedure in Section V.J. The Board will address and appeal and appoint an appeal committee at the next regularly scheduled meeting of the Board of Directors, subject to meeting notice requirements. Insufficient time for required notice of the regular Board of Directors meeting agenda shall result in a delay in addressing the appeal until the next regularly scheduled meeting thereafter. Penalties are subject to an appeal process as outlined in Section J herein. Notices shall be sent to the last known address of record and shall be deemed valid for purposes of this section. Email notices shall be sufficient in addition to mailed notifications. Rulings by the Director may be appealed to the full AQB at its next scheduled meeting.~~
3. Penalties. Upon the determination of a violation of these Rules and Regulations or enabling ordinances, the Air Quality Board, or its designated representatives, may assess warnings, impose fines, and/or suspend or revoke the station and/or emissions technician licenses. The station owner/agent bears the burden of proving that proper supervision was provided so that the violation by employed emissions technician could have been prevented.
4. Application. Violation numbers 1.0 through and including 11.0 are of such serious nature that they jeopardize the integrity of the AIR Program **and carry more serious consequences.** ~~The~~

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use of warnings or imposition of any penalties for any particular violation rests in the sole and complete discretion of the AQB. The AQB is not required to follow any course of progressive penalties or sanctions. ~~As such, penalties for these may be imposed without prior warning, either verbal or written.~~ The following list of violations and penalties is a strong guideline. It is **While** not mandatory that these guidelines be followed, ~~however~~, in the interest of promoting a strong AIR program, it is highly recommended that penalties be enforced as shown. ~~However, the AQB may impose any penalty, including revocation and suspension, at any time for any violation.~~

5. Definitions:

- a. **Notice of Alleged Violation.** Notice given to station or technician that a violation of enabling ordinances or rules and regulations is alleged and disciplinary action may result. ~~Notices shall be sent to the last known address of record and such shall be deemed valid for purposes of this section. Emailed notices shall be sufficient in addition to mailed notifications.~~
- b. **Warning.** A written warning advising the AIR Program Station and/or licensed Emissions Technician of the violation and the corrective action to eliminate the violation. The original copy of the warning will be placed in the station's audit history file. A copy will also be delivered to the station and/or technician to whom the warning was issued. ~~Notices shall be sent to the last known address of record and such shall be deemed valid for purposes of this section. An email of a warning is sufficient in addition to a mailed notification.~~
- c. **Suspension.** A specified period of time, during which the license of an AIR Program Station and/or Emissions Technician is withheld by the Air Quality Board. All official AQB documents and materials may be retained by the Air Quality Board until the suspension period is completed and any reapplication requirements are fulfilled.
- d. **Revocation.** ~~Revocation of a license shall constitute a permanent forfeiture of license and privileges as an AIR Program Station and/or Emissions Technician. All official documents and material will be confiscated by the AQB. Should the violations qualifying for individual license revocation be due to actions of the respective station owner the AIR Program Station License may be revoked as shown in section H(5) after first consulting with the Board Chairman in the case of revoking an Emission Station License.~~
- e. **Notice of Suspension or Revocation.** A written notification issued by the Air Quality Board or its agents indicating that there are sufficient grounds to require a license suspension or revocation subject to the right of appeal. The notice shall further specify the action being taken and its effective dates.
- f. **Fine.** Monetary penalty imposed for violations of these Rules and Regulations.

6. Recommended penalties for violations:

The Following Tables Represent the Violations & Penalties for
Technicians and Station Owners as Applicable

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TECHNICIANS

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
1.0 Issuance or possession of altered, forged, stolen, or counterfeit compliance certificates.	1 Year Suspension and/or \$500 Fine	Revocation of license	
2.0 Furnish, lend, give, sell, or receive a certificate of compliance without an emission inspection.	1 Year Suspension and/or \$500 Fine	Revocation of license	
3.0 Unnecessary or unauthorized repairs for purpose of inspection.	1 Year Suspension and/or \$500 Fine	Revocation of license	
4.0 Fraudulent record keeping. Working while under the influence of illegal drugs or alcohol	1 Year Suspension and/or \$500 Fine Alcohol: 1 Year Suspension and/or \$500 Fine Illegal drugs: Revocation of license	Revocation of license if occurs within 3 months of the first violation	Revocation of Station License if occurs within 6 months of first violation

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
5.0 Working while under the influence of illegal drugs or alcohol. Hacking, reprogramming, shortcutting, undermining or circumventing the analyzer, computer or VID	1 Year Suspension and/or \$500 Fine Revocation of license	Revocation	
6.0 Inappropriate conduct in the presence of a customer to include smoking or the use of profanity.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 \$500 Fine if occurs within 3 months of the first violation	Revocation of license if violation occurs within 12 months of first violation
7.0 Failure to perform quality control procedures in accordance with manufacturer's specifications.	3 month suspension and/or \$150 fine	6 month suspension and/or \$300 fine if occurs within 3 months of the first violation	Revocation of license if violation occurs within 12 months of first violation
8.0 Intentional misstatement of fact	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 \$1,000 Fine if occurs within 3 months of first violation	Revocation of license if occurs within 12 months of the first violation
9.0 Failure to produce records upon demand by quality assurance inspector.	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine	Revocation

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9.0 Intentional misstatement of fact. Improper assigning of certificate of compliance	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine if occurs within 3 months of the first violation	1 Year suspension and/or \$500 fine or Revocation of license if violation occurs within 12 months of first violation
10.0 Improper assigning of certificate of compliance. Failure to inspect vehicles in accordance with the Rules & Regulations	3 1 Month Suspension and/or \$150 Fine	6 3 Month Suspension and/or \$300 Fine if occurs within 3 months of first violation	1 Year Suspension and/or \$500 Fine or revocation of license if occurs within 12 months of first violation
11.0 Failure to keep records in accordance with the Rules and Regulations. Failure to maintain Certificate of Compliance security	3 Month Suspension and/or \$150 Fine Written warning	6 3 Month Suspension and/or \$300 \$150 Fine if occurs within 3 months of first violation	1 Year 6 month Suspension and/or \$500 Fine if violation occurs within 6 months of first violation
12.0 Failure to inspect vehicles in accordance with the Rules and Regulations. Charging a testing fee for "alternate fuel vehicle" (Hybrid or electric vehicle)	3 Month Suspension and/or \$150 Fine Written warning	6 1 Month Suspension and/or \$300 \$150 Fine if occurs within 3 months of first violation	1 Year 3 month Suspension and/or \$500 \$300 Fine if violation occurs within 6 months of the first violation
13.0 Failure to report an unscheduled discontinuance of inspections for a period of more than 24 hours. Failure to return AQB copy of Alternate Powered Certification, New Car Exemption or Waiver form in accordance with these Rules and Regulations.	Written warning	3 1 Month Suspension and/or \$150 Fine if occurs within 3 months of first violation	6 3 Month Suspension and/or \$300 Fine if violation occurs within 6 months of first violation
14.0 Failure to notify the Air Quality Board within five days of changes of ownership, location, technician status or other changes affecting the AIR Program Station operation. Failure to maintain exhaust analyzer operating environment in accordance with manufacturer's specifications	Written warning	3 Month Suspension and/or \$150 Fine if occurs within 3 months of first violation	6 Month Suspension and/or \$300 Fine if occurs within 6 months of first violation
16.0 Failure to maintain certificate of compliance security.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine

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VIOLATION	FIRST OFFENSE	SECOND OFFENSE	SUBSEQUENT
17.0 Failure to return AQB copy's of Alternate Powered Certification, New Car Exemption or Waiver form in accordance with these Rules and Regulations.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine
18.0 Failure to maintain exhaust analyzer operating environment according to manufacture specifications.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine
19.0 Required tools, equipment, or supplies missing or broken.	Warning	3 Month Suspension and/or \$150 Fine	6 Month Suspension and/or \$300 Fine

STATION OWNERS

VIOLATION	1 ST OFFENSE	2 ND OFFENSE	SUBSEQUENT
1. Issuance or possession of altered, forged, stolen or counterfeit certificates	1 year suspension and/or \$500 fine	Revocation of License	
2. Furnish, lend, give, sell or receive a certificate of compliance without an emission inspection	1 year suspension and/or \$500 fine	Revocation of license	
3. Performing unnecessary or unauthorized repairs for purposes of inspection	1 year suspension and/or \$1,000 fine	Revocation of license	
4. Failure to notify the Air Quality Board within 5 business days of changes in ownership, location of station or technician status	6 month suspension and/or \$1,000 fine. Failure to notify of technician status shall result in 1 month suspension and/or \$300 fine	3 month suspension and/or \$500 fine for failure to notify of technician status change	6 month suspension and/or \$1,000 fine for failure to notify of technician status change
5. Hacking, reprogramming, shortcutting, undermining or circumventing the analyzer, computer or VID	Revocation of license		
6. Working while under the influence of illegal drugs or alcohol	Alcohol: 1 year suspension and/or \$500 fine. Illegal Drugs: 1 year suspension and/or \$1,000 fine	Alcohol: 1 year suspension and/or \$1,000 fine if within 6 months of first violation. Drugs: Revocation of license	

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7. Inspection by an unlicensed technician	3 month suspension and/or \$150 fine	6 month suspension and/or \$1,000 fine if within 6 months of prior violation	Revocation of license if within 6 months of prior violation
8. Failure to perform quality control procedures on analyzer in accordance with manufacturer specifications	3 month suspension and/or \$150 fine	6 month suspension and/or \$300 if within 3 months of first violation	1 year suspension and/or \$1,000 fine if within 6 months of first violation
9. Intentional misstatement of fact or not carrying required liability and workman's compensation insurance	3 month suspension of station license and/or \$1,000 fine	6 month suspension of station license and/or \$1,000 fine	Revocation of station license if violation is within 1 year of notice of first violation
10. Improper assigning of certificate of compliance	3 month suspension and/or \$150 fine	6 month suspension and/or \$300 fine if within 6 months of first violation	Revocation of license if within 12 months of notice of first violation
11. Failure to keep or produce records in accordance with Rules and Regulations	3 month suspension and/or \$150 fine	6 month suspension and/or \$300 fine if within 6 months of notice of first violation	1 year suspension and/or \$500 fine if within 1 year of notice of first violation
12. Failure to report an unscheduled discontinuance of inspection for a period of more than 12 hours of station being closed on other than posted hours	Written warning	3 month suspension and/or \$150 fine if within 6 months of notice of first violation	6 month suspension and/or \$500 fine if within 1 year of notice of first violation
13. Failure to maintain certificate of compliance security	Written warning	3 month suspension and/or \$150 fine if within 6 months of notice of first violation	6 month suspension and/or \$500 fine if within 1 year of notice of first violation
14. Charging a testing fee for an "alternate fueled vehicle" (Hybrid or electric vehicle) OR failure to return AQB copy of Waiver form in accordance to Rules & Regulations	Written warning	1 month suspension and/or \$150 fine if within 3 months of notice of first violation	3 month suspension and/or \$300 fine if within 6 months of notice of first violation
15. Failure to maintain exhaust analyzer operating environment according to manufacturer's specifications	Written warning	1 month suspension and/or \$150 fine if within 3 months of notice of first violation	3 month suspension and/or \$400 fine if within 6 months of notice of first violation
16. Required tools, equipment or supplies missing or broken	Written warning	3 month suspension and/or \$150 fine if within 3 months of notice of first violation	6 month suspension and/or \$300 fine if within 6 months of notice of first violation

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17. Station owner delinquent in remittance of certificate of compliance and/or processing fees for 30 days from due date	Revocation of license. No issuance of license to a successor station owner allowed. Unpaid fees to collection		
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5. Official documents and materials. Whenever an AIR Program Station, AIR Program Retest Station or Emission Technician License is suspended or revoked, the Air Quality Board or its agents may order the surrender to the Air Quality Board of the following items (as appropriate):
 - a. Inspection records.
 - b. Air Station license and sign.
 - c. Unused AQB certificate of compliance
 - d. Technician license.
 - e. Blank data forms.
6. Subsequent violations. Determination of second or subsequent violations ~~is made on the basis of previous violations in the same category within a three (3) year period.~~ Involving alicensed technician or licensed station owner is made on the basis of previous violations in the same category with a one (1) year period going forward from the date of first violation. Should one full year's time pass from the date of a first violation with no further similar violations occurring, the next violation shall be considered a first violation.
7. Multiple violations. In the case of multiple violations considered at one time, the Air Quality Board of its agents will impose separate penalties for each violation. The Air Quality Board or its agents, at their discretion, may direct that suspensions run concurrently.
8. Voluntary discontinuance. An Air Station License shall be canceled by the Air Quality Board or its agents whenever the owner voluntarily discontinues the operation of an AIR Program Station. Remaining emission inspection materials shall be returned to the air Quality Board or its agents immediately.
9. Abandonment. An Air Station License shall be canceled by the Air Quality Board or its agents, and inspection materials confiscated when the owner of record abandons the place of business and cannot be located within ninety (90) days. This provision also applies when the owner of record voluntarily ceases doing business at a previously approved location and does not re-locate to a new approved location within 90 days as stated in the Air Quality Board licensing of station policy. To be considered for extension beyond 90 days there must be a signed lease or other evidence that another approved location has been obtained and an approximate date for the owner to re-open for business. Involuntary abandonment (loss of lease, natural disaster or circumstances our of Station Owner control) shall be decided by the Board on a case by case basis.
10. Sale of business. If an AIR Program Station is sold or leased to a new owner, an application will not be considered while the station is suspended, ~~or restored~~ pending an appeal of suspension.

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11. Confiscated materials. Certificates of compliance and records confiscated as the result of a suspension or revocation will be retained by the Air Quality Board or its agents. They shall be returned to the AIR Program Station if inspection privileges are restored or the station is re-licensed.
12. Remedial Training. Following any suspension, a licensed technician will not be allowed to return to emissions testing duties until he has successfully completed a remedial training course taught by the Air Quality Board or their designated representative.

I. Reapplication

1. If an AIR Program Station, AIR Program Retest Station or Emissions Technician license expires during a suspension period, inspection privileges shall not be restored until an application and fees for relicensing have been received and reviewed by the Air Quality Board **subject to current licensing standards.**
2. Following a suspension of three months or more, a complete and thorough investigation by quality assurance personnel will be conducted to determine if the applicant qualifies for relicensing under the requirements of the Air Quality Board. Other applications for relicensing are subject to investigation at the discretion of the **Executive Director after consulting with the Board Chairman or Vice Chairman should the Chairman be unavailable.** ~~Air Quality Board~~

J. Appeal for Hearing

1. Requests for an Air Quality Board hearing following a notice of suspension or revocation of license must be made in writing to the Air Quality Board within five (5) **business** days of the date of the notice. The right to appeal and a hearing shall be considered **to be** relinquished if the request is not made within the above allotted time period.
2. Upon receipt of an appeal, a Hearing Committee consisting of at least three members will be selected from regular members of the Air Quality Board **of directors.**
 - a. Notice of hearing will be furnished to the appellant in writing within five (5) working days of receipt of the request. The Hearing Committee will normally meet within five (5) working days of the notice, at which time the parties may present evidence, cross-examination or argument. The Hearing Committee, after considering all evidence, will determine if sufficient grounds for suspension or revocation exists, and if so, the Hearing Committee will evaluate the imposed penalty. The Hearing Committee shall have the authority to approve, amend, delete, or otherwise change the imposed penalty as they see fit. The decision of the Hearing Committee is final.
 - b. Notice of decision will be made to the appellant in writing within five (5) working days of the hearing. The notice will include the findings of fact that form the basis for the Hearing Committee's decision. A record of the hearing shall be maintained for a period of one year.
 - c. The Air Quality Board or its agents shall not be held liable for any loss of revenue as the result of a suspension or revocation.

VI. EMISSIONS TEST PROCEDURE

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A. General

1. The Emissions Test must be performed by a licensed Emissions Technician.
2. The Emissions Test must be performed at a licensed AIR Program Station or AIR Program Retest Station, as described in Section IV, and operated in accordance with procedures established in Section V, "Air Program Station Operation".
3. The maximum test charge, including the cost of the Certificate of Compliance, shall be ~~fifteen~~ **twenty** dollars (\$20.00). **Should any vehicle be tested other than the time period shown on the first notice of testing an additional "processing fee" not to exceed \$10 shall also be assessed.**
4. The Air Quality Board will set the cost of Certificates of Compliance as part of its annual budgeting process. The cost will be calculated to cover all aspects of the operation of the Air Quality Board office but shall not exceed ~~\$3.50~~ **\$4.00** per Certificate of Compliance.
5. The maximum a station can charge for a failed emissions test is \$20.00 minus the currently established cost of Certificates of Compliance **plus any applicable processing fee.**
6. No repairs or adjustments will be done at AIR Program Stations. ~~(Stations may do air conditioning service if they meet Federal and State equipment requirements for repairs on such systems.)~~
7. AIR Program Retest Stations can only test vehicles which have failed an emissions test at a licensed AIR Program Station.
8. AIR Program **Repair and** Retest Stations can only charge for Certificates of Compliance. (It may not charge the emissions test labor charge.)

B. Applicability

All nonexempt motor vehicles must be inspected biennially on or before the end of its AIR Program required inspection month and year. The purpose of this inspection is to verify compliance with the emission standards established by the Air Quality Board and published in paragraph VI.D below. Non-exempt vehicles will have their required inspection month established as the second month following the month in which the vehicle is registered/re-registered. The established inspection year will be even calendar years for even model year vehicles and odd calendar years for odd model year vehicles. Once the AIR Program required inspection month is established, it will not normally be changed unless the vehicle registration is allowed to expire (in which case a new AIR Program required inspection month may be established when the vehicle is again re-registered as a non-exempt vehicle.) In cases where the inspection has been delayed for any reason, the test will not satisfy the next appropriate test cycle requirement unless it is performed within six months of that cycle's due month.

C. Identification of Motor Vehicles Complying With the Automotive Inspection and Readjustment Program.

Motor vehicles that are required to comply with the AIR Program will be identified by review of Idaho Transportation Department motor vehicle registration records and tracked for compliance by the

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Air Quality Board. Vehicle owners will be given a Certificate of Compliance when their vehicle is emissions tested. It is recommended, though not required, that the owner keep the Certificate of Compliance with the vehicle as proof of compliance with emissions testing requirements.

D. Standards

1. Tampering: Motor vehicles of the model years 1984 and newer are to be inspected for the presence of the catalytic converter, and air injection system. Motor vehicles which have had those systems removed or defeated are to be denied a Certificate of Compliance until the motor vehicle owner restores them to their original or operating condition. (The systems are not required to be installed on motor vehicles which at the time of production did not have the system installed by the manufacturer.) WAIVERS UNDER SECTION VI.F. DO NOT APPLY. However, the cost of repairs to vehicle emission systems may be included for waiver requirements for additional repairs after the tampered emissions system is fully functional.

IDAPA 58.01.522, (or as amended) “test standards” reference 40 CFR 51.357(b); which, within section 2 states, “Vehicles shall fail visual inspections of subsequent emission control devices if such devices are part of the original certified configuration and are found to be missing, modified, disconnected or improperly connected”. The AQB adheres to IDAPA 58.01.01.522 as amended.

This also pertains to and shall be followed regarding diesel powered vehicles that are required to be tested and shall cover all equipment specifically required to be on a compliant diesel powered vehicle. Diesel powered vehicles must also be inspected for the presence of a Diesel Particulate filter (DPF) as well as catalytic converter.

2. Emissions Standards:

<u>LIGHT DUTY GASOLINE VEHICLES</u>	<u>CO</u>	<u>HC</u>
Model Years 1981 to 1995	1.2%	220 ppm
Model Years 1996 & Newer	must meet OBDII test requirements	
<u>HEAVY DUTY GASOLINE VEHICLES</u>	<u>(over 8,500 lbs GVW’)</u>	
Model Years 1981 to 1995	3.0%	500 ppm
Model Years 1996 & Newer	must meet OBDII test requirements	

DIESEL FUELED VEHICLES

55% opacity for 1981 to 1991 vehicles
 40% opacity for 1992 and newer

E. Emissions Test Procedure

1. General
 - a. The inspections are to be performed at licensed AIR Program Station or AIR Program Retest Station by licensed Emissions Technician.
 - b. Emissions test will be performed using the approved analyzer’s emissions test sequence. This is a menu driven, step by step procedure insuring proper procedures are followed. The 30 second preconditioning is intended to assure that the vehicle is warmed up, however, a cold vehicle may require additional warm-up for proper testing. If a vehicle engine appears

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to be cold, have the owner drive the vehicle around for 2 to 5 minutes to adequately warm up the engine.

- c. AIR Program Stations will record and charge the appropriate emissions test fee **and processing fee (if applicable)** for all tests performed including vehicles failing visual checks.
- d. AIR Program Retest Stations cannot perform initial emissions tests on vehicles, i.e. they can only perform emissions tests on vehicles which have failed (either gas check or visual check) an emissions test at a licensed test only station.

2. First Test Procedure

- a. Select the appropriate menu item to begin a certified emissions inspection and type in the identifying vehicle information. **The vehicle identification number obtained from the vehicle itself is the only sure method of obtaining vehicle information.**
- b. Follow the step by step test procedures established by the analyzer.
- c. If the motor vehicle is of the model year 1984 or newer a visual inspection will have to be performed. Open the motor vehicle hood and check for the presence and operation of the air injection system. Examine the exhaust system for the presence of the catalytic converter. **On diesels check for the presence of DPF filters, EGR valves and non-EPA approved controllers. If there is any doubt as to the authenticity or operational status of the catalytic converter or other items checked for in the visual inspection on a vehicle being tested, a photograph of the catalytic converter or any other system/equipment in question shall be forwarded to the AQB Quality Assurance officer. If the AQB Quality Assurance officer determines that any systems so photographed have been tampered with the Executive Director shall revoke any Certificate of Compliance issued as a result of a passed test with the tampered or non-compliant systems. If any of the systems have been tampered with, the inspection station will take the following actions:**
 - 1) Select “F” in the appropriate blank on the “visual inspection” screen during the test sequence.
 - 2) Some vehicles have a cap less fuel system. When these vehicles are tested mark them with an “N”, as “not required”. **However, either an “N” or “P” shall be accepted.**
 - 3) Complete the test, **sign review** the printout from the analyzer **for accuracy** and give it to the motor vehicle owner. (Stations may, at their option, keep a copy of the test data printout.) Inform the vehicle owner he/she has thirty (30) days to restore the emission systems to the original operating condition and comply with the AIR Program model year CO and/or HC standards. (If additional time is required, contact the AQB.)
 - 4) **If the vehicle being tested has a suspension that is lowered to the point that it is impossible to see the catalytic converter either visually or with a mirror the vehicle shall be failed. The vehicle so failed shall be required to re-test at a station with a “drive on” bay from which the technician can clearly see the catalytic converter. Station owners are not required to have any equipment with which to lift any such lowered vehicles.**

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- d. Complete the test in accordance with the computer directed test sequence. (If the exhaust pipe is baffled, a tailpipe probe extender at least 12 inches long must be inserted in the exhaust prior to the emissions test.)
 - e. At the completion of the test sequence the analyzer will print a result of the test. The emissions technician will ~~sign~~ review the printout for accuracy and give it to the motor vehicle owner after first verifying that the VIN on the printout matches the vehicle being tested. If the vehicle fails the first test, the vehicle owner has thirty (30) days to perform or have performed adjustments/repairs. If the vehicle is brought back within the thirty (30) days, it must be given another emissions test without charging an additional labor charge. (The only additional charge allowed is the Certificate of Compliance fee for a completed test.)
 - f. Should the motor vehicle owner wish to challenge the analyzer readings, the motor vehicle owner must notify the AQB within 72 hours. The Board will either immediately perform an audit of the analyzer or arrange for an audit in the presence of the motor vehicle owner, station representative and AQB auditor according to the procedure described in Section VII, "Air Station Audit Procedure".
3. Repair Procedures
- a. Vehicles exceeding the model year CO and/or HC standards have thirty (30) days to have adjustments and/or repairs performed and return for a free re-inspection at original place of inspection. Vehicle owners of vehicles which fail an emissions test will be given a list of AIR Program Retest Stations where the vehicle can be repaired and receive a free retest.
 - b. Failed vehicles covered by 2 year/24,000 mile, Section 207(b) "Performance Warranty" provisions of the Federal Clean Air Act.
 - 1) Vehicles covered by the 207(b) warranty should be repaired or adjusted by an authorized warranty repair facility to protect the entitlements granted by the motor vehicle warranty and to protect the motor vehicle owner from any charges that may be covered by the 207(b) warranty.
 - 2) The only fees that the motor vehicle owner is required to pay are the maximum Emissions Test fee and the Certificate of Compliance fee as specified in paragraph VI.A.
 - 3) The warranty provisions of Section 207(b) of the Clean Air Act specify that the repairs or adjustments are to be performed at no cost to the vehicle owner and must lower the CO percentage emission level to the specified model year CO percentage standard.
 - c. Failed motor vehicles covered by the 5 year/50,000 mile Section 207(a), "Defect Warranty Provisions" of the federal Clean Air Act.
 - 1) The motor vehicle owner may have to pay a diagnostic fee to identify faulty emissions control components in addition to the maximum Emissions Test fee and Certificate of Compliance fee as specified in paragraph VI.A. If the faulty component is covered under the 207(a) Warranty provision and the diagnosis was performed at an authorized

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warranty repair facility, the diagnosis fee is to be refunded or not charged to the motor vehicle owner.

- 2) If the component(s) are not covered under the Section 207(a) warranty, the vehicle owner is required to have repairs or adjustments performed until either the vehicle is in compliance with emission standards or the repair costs have met or exceeded the maintenance waiver amounts shown in Section VI.F.
 - d. Vehicles that fail the emissions standards and do not qualify for warranty repairs must receive repairs until either the vehicle is in compliance with inspection standards or the applicable waiver amount has been exceeded (see paragraph VI.F.).
4. Retest Procedures

- a. Test Only Station - re-analyze the motor vehicle's exhaust gas according to the procedures specified in Section VI.E.2, "First Test Procedures" and proceed according to the results of the retest as follows:
 - 1) Vehicle passes retest. **Review test results for accuracy** ~~Sign test results~~ and give copy to vehicle owner. Charge Certificate of Compliance fee.
 - 2) Vehicle fails retest and maintenance costs ~~have exceeded~~ **meet the minimum** maintenance waiver amount.

~~Fill out the data blocks for Name, VIN and License on the Request for Waiver form and have the vehicle owner sign the form. Give the long copy of the form to the vehicle owner and hold the short copy until picked up by Air Quality Board personnel. Charge the vehicle owner for the completed test including the Certificate of Compliance fee and processing fee if applicable. (The test data results page and Request for Waiver together comprise the Certificate of Compliance.) Complete the waiver as instructed through the analyzer. Give a copy to the customer. Attach receipts or a copy thereof to a copy of the waiver form to give to AQB.~~

- 3) Vehicle fails retest but repair costs have not exceeded maintenance waiver amounts.

The owner must seek additional repairs and adjustments and **then** retest, however, the station is only required to give one free retest. **DO NOT** collect the Certificate of Compliance fee **and processing fee (if applicable)**. **Instruct the vehicle owner to contact AQB if an extension of time is needed.**

- b. Repair and Retest Station
 - 1) Before performing any retest, be sure the vehicle has failed an emissions test at a licensed AIR Program "test only" station.
 - 2) After repairs have been performed, re-analyze the motor vehicle's exhaust in accordance with paragraph E.4.a. above.

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- 3) Do not charge for the emissions test itself. If the vehicle passes the retest or a waiver is granted collect the Certificate of Compliance fee, **processing fee (if applicable)** and remit the fee to the AQB.

F. Waiver of AIR Program Emission Standards

1. Any vehicle which fails to pass an emissions test must receive repairs in a sincere effort to fix whatever malfunction(s) are causing the high level(s) of pollutants. It is recognized that some mechanical problems may be difficult to diagnose and fix and that open ended, expensive repairs could pose a hardship. Therefore, provisions for granting a waiver of the AIR Program emission standards are established in the following paragraphs. **The emission technician shall not render an opinion as to repairs or trouble codes. To do so renders all liability for such advice upon the technician and the respective station owner.**
2. Procedures
 - a. The owner of a vehicle which fails its emissions test must show proof that a minimum of \$300.00 has been spent on emissions related repairs subsequent to the failure of the emissions test.
 - b. A vehicle whose owner has spent ~~in excess of the above amount~~ **a minimum of \$300** in attempting to adjust and repair the emissions system of a vehicle qualifies for a waiver to the AIR Program emissions standards. **Such repairs shall directly relate to the failed test previously performed.**
 - c. The Emissions Technician will fill out a Request for Waiver form and have the vehicle owner sign it. ~~The vehicle owner will be given the long copy of the form (which explains the waiver policy)~~ **Give a copy to the customer.** ~~and~~ The short copy will be held until picked up by Air Quality Board personnel.
 - d. The Emissions Technician will collect copies of receipts for parts and repairs which demonstrate that the required minimum amount has been spent attempting to fix the vehicles problems. The copies of the receipts will be submitted to the Air Quality Board ~~with the short copy of the Request for Waiver form.~~ **If the catalytic converter needs to be replaced, a receipt for the new catalytic converter that matches the catalytic converter on the vehicle must be presented (it is illegal to install a used catalytic converter).**
3. A vehicle which has had its emissions system tampered with (parts missing or intentionally defeated) will not be granted a waiver under this paragraph unless the emissions equipment has been made fully functional. If, after repairing the tampered emissions equipment, the vehicle requires further repairs to be brought within emissions standards, the cost required to repair the emissions equipment can be considered for waiving further repairs.
4. ~~In All~~ **In All** cases where the technician is uncertain as to whether the repairs qualify towards the waiver minimums **the technician should immediately contact** ~~should be referred to~~ the Air Quality Board Quality Assurance officer.
5. The intent of the waiver provisions of this section is to avoid financial hardship on vehicle owners who would otherwise have to spend excessive amounts in order to bring their vehicles into AIR Program compliance. If repairs required under this paragraph pose a financial hardship

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on a vehicle owner(s), the Air Quality Board shall have the authority to issue waivers without requiring the expenditure of the amounts listed in paragraph VI.F. 1 ~~above~~. Such determination of hardship shall be made on a case-by-case basis by the Air Quality Board staff. **In no case shall more than two such hardship waivers be issued consecutively without Executive Director approval.**

6. A waiver under this paragraph is only valid until the vehicle's next required inspection cycle.

VII. AIR PROGRAM STATION AUDIT PROCEDURE

A. Applicability

1. Each AIR Program Station and AIR Program Retest Station is required to follow the Quality Control Procedures described in Section V.F. "Quality Control".
2. The AQB will perform a monthly audit of each AIR Program Station and AIR Program Retest Station to certify that the quality assurance procedures are being followed.
3. Should a test given by the station be challenged, the AQB will resolve the complaint using the procedure in paragraph B ~~below~~ **VII.B.2.b.**

B. Audit Procedure

1. Analyzer Audit - The Air Quality Board's auditor will review the current analyzer calibration data stored in the computer and may ask to observe the station's Emissions Technician perform a three day calibration and/or a leak check on the station's analyzer. The computer keeps a record of all calibrations done and these will be reviewed for any developing trends.
2. Emissions Test Audit Procedures
 - a. The Air Quality Board's auditor may, during the monthly station audit, observe one or all of the station's Emissions Technicians perform either the Automotive Emissions Procedure, First Test Procedure Section VI E.2. or the Retest Procedure Section VI E.4.
 - b. Should a vehicle owner request a challenge test, the Air Quality Board's auditor will arrange a time for performance of both the station Audit Procedure (Section VII B) and the Automotive Exhaust Emissions Test Audit.

If it is determined that the station's analyzer is out of calibration or if the exhaust emission **OBD** analysis was not performed in accordance with the requirements of Section VI, the station will be required to refund to the vehicle owner any collected ~~moneys~~ **funds** and have the analyzer repaired or the procedure corrected. A summary report describing the result of the challenge test and audits along with the audit checklist will be prepared for AQB review.