



State of Oregon Department of Environmental Quality

Notice of Proposed Rulemaking

Sept. 27, 2024

Vehicle Inspection Program Updates 2024

This package contains the following documents:

- Notice of Rulemaking
- Draft Rules – Edits Highlighted
- Draft Rules – Edits Included (final clean version)

Note for readers:

This package contains multiple documents. If you want to read more than one document at a time, you can open multiple copies of this PDF by downloading the PDF and then opening it in Adobe. You can then either:

- Click on the “Windows” item in the top ribbon
- Click on “New Window”
- A second copy of the PDF will open in a new window

Or:

- Click on “File” in the top ribbon
- Click on “Open” in the top ribbon
- Double click on the name of the PDF you want to open
- A second copy of the PDF will open in a separate tab in the same window

Table of contents

Introduction	2
Request for other options	2
Overview	2
Procedural summary	5
Statement of need	7
Federal relationship.....	8
Rules affected, authorities, supporting documents.....	9
Documents relied on for rulemaking.....	9
Rules summary	10
Fee analysis	13
Statement of fiscal and economic impact.....	13
Land use	20
EQC prior involvement	21
Advisory committee	22
Public engagement.....	24
Public hearing	25
Non-discrimination statement.....	25
Supporting documents	26
Draft Rules – Edits Highlighted	27
Draft Rules – Edits Incorporated	54

Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 section 256 of the Oregon Administrative Rules. The proposed rule amendments are for non-fee program-wide rule updates for the Vehicle Inspection Program.

If adopted, DEQ would submit some of these rules to the U.S. Environmental Protection Agency for approval and incorporation into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040.

Request for other options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' potential negative economic impact on business.

Overview

Car and truck emissions collectively are the single greatest anthropogenic contributor to ozone pollution and significant sources of toxic air pollutants in Oregon. The Vehicle Inspection Program performs maintenance testing required for registration of certain vehicles in the Portland-Metro and Medford-Ashland areas. This program provides multiple pollution reduction benefits for ozone, carbon monoxide, fine particulate, greenhouse gases and toxic air contaminants. It plays a significant role in ensuring that pollution reduction technology in cars is functioning as intended and that Oregon is realizing benefits of lower polluting vehicles. DEQ VIP is one of several pollution control strategies which collectively make up Oregon's EPA-approved State Implementation Plan. For the Portland area, DEQ developed and updated its ozone maintenance plan in 1996 and 2007 and the Portland carbon monoxide maintenance plan in 2004. For the Medford-Ashland area, DEQ developed and updated CO maintenance plans in 2001 and 2015. DEQ VIP helps to keep pollution levels within the U.S. Environmental Protection Agency's allowable standards by ensuring that vehicles' emission control systems are maintained over the life of the vehicle.

In the Portland and Medford-Ashland areas, a vehicle emissions inspection is typically required every two years, before motorists can register their vehicles with the Oregon Department of Transportation Driver and Motor Vehicle Services (DMV). VIP operates six inspections stations across the Portland-Metro area and one in Medford-Ashland. Also, DEQ's VIP is now testing around 10% of the regulated vehicles using a remote on-board diagnostic (OBD) testing method through its trademark DEQ Too program. That is approximately 76,000 vehicles in the Portland-Metro area and 10,000 vehicles in the Medford area each year.

DEQ VIP inspects light- and heavy-duty gasoline vehicles, and light-duty diesel vehicles up to 8,500 pounds. In the Portland area, vehicle inspection is required for model years beginning in 1975. In Medford-Ashland, inspections are required for vehicles up to twenty years old. The DMV does not require registration for the first four years of a model's lifespan. The four most current model year vehicles do not require an emission inspection. Vehicles registered in the Portland-Metro or Medford-Ashland vehicle inspection areas and are operated temporarily in another state must either comply with the other state's emissions compliance provisions, verify the area is not subject to emission compliance or travel to Oregon for an emissions test.

The proposed rules, if adopted by the commission, would: a) update reciprocity provisions for vehicles that are temporarily operating less than 150 miles outside of the Oregon border., b) clarify testing exemptions and c) codify the remote on-board diagnostic test method and operations in rule

Remote OBD testing through the DEQ Too program is conducted through a telematics device either at a DEQ Too host location, a participating vehicle dealership or a participating fleet. The device transmits the vehicle's onboard diagnostics data to DEQ to determine the results of the emissions test. Since its launch as a pilot in 2016, the DEQ Too program has been operating under the broad authority of the existing rule in ORS 340-256-0465. Codifying the remote OBD testing procedures for DEQ Too in rule will better prepare VIP for potential growth, increased program transparency and improved quality assurance.

DEQ's rule requires vehicles registered in the Portland-Metro or Medford-Ashland vehicle inspection areas that are temporarily out-of-state ensure compliance with the other state's inspection maintenance requirements.

Washington and Idaho are states that border Oregon and no longer perform emissions testing as of 2023. The current rule requires vehicle owners that are temporarily operating their vehicle less than 150 miles from the Oregon border to drive back to Oregon for an emissions test. This outdated rule can be a hardship for students, caregivers, active military personnel and others.

DEQ proposes to update the rule language covering the "at least 150 miles from the Oregon border" requirement because 150 miles from the Oregon boarder may be vastly different depending on where the vehicle is temporarily located. Also, the "at least 150 miles" does not consider the testing location within Oregon. With Washington no longer requiring vehicle testing and Idaho removing the requirement in mid-2023, DEQ would like to update the rule language.

In 2020, DEQ made revisions to the VIP, which included changes for required emissions testing for new vehicles. These changes included a change in requirement for new vehicles to be tested from two years after initial registration to four years. DEQ proposed and the Environmental Quality Commission adopted changes to OAR 340-256-0300, but the proposed rules did not include a specific exemption for the first four

model years of vehicles from emissions testing requirements. Therefore, DEQ also proposes to include an exemption of the testing requirement for the first four model years of vehicles and has included a demonstration that shows minimal increase in emissions in the VIP boundary areas due to the proposed change.

The rulemaking included input from affected parties, such as community members accessing emissions testing resources, DEQ Too hosts, dealerships, telematic providers and environmental justice advocacy organizations.

Procedural summary

More information

Information about this rulemaking is on this [rulemaking's web page](#).

Public hearings

DEQ plans to hold one public hearing. Anyone can attend a hearing in person, or by webinar or teleconference.

Date: Oct. 28, 2024

Start time: 5:30 p.m.

[Join the Zoom Meeting](#)

Meeting ID: 894 1284 7118

Join via phone:

+16699006833,,89412847118# US (San Jose)

+17193594580,,89412847118# US

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

- Email: Send comments by email to VIP.2024@DEQ.oregon.gov
- Postal mail: Oregon DEQ, Attn: Graham Bates, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing: 5:30 p.m., Monday, Oct. 28, 2024

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., Pacific Standard Time on Thursday, Nov. 7, 2024.**

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking:

- Sign up through [GovDelivery](#);
- Sign up on the [Vehicle Inspection Program Updates 2024 rulemaking web page](#).

What will happen next?

DEQ will include a written response to comments in a staff report the agency will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ's intended action is to present the proposed rule changes to the EQC as soon as possible after the earliest date on which the rule changes could take effect. DEQ intends to submit the proposed rule changes to the EQC on or after Jan. 9, 2025.

Statement of need

What need would the proposed rule address?

The remote OBD testing program under the trademark of DEQ Too, has been operating through agreements of terms and conditions with program partners. The existing statute, under which the program operates, requires additional rule language to meet the needs of program administration and participants.

Washington and Idaho are states that border Oregon and no longer perform emissions testing as of 2023. The current rule requires vehicle owners that are temporarily operating their vehicle less than 150 miles from the Oregon border to drive back to Oregon for an emissions test. This outdated rule can be a hardship for students, caregivers, active military personnel and others.

Existing rules regarding the testing exemption for new vehicles are not specific enough in their alignment with historical practice. Currently, new vehicles are not required to be re-registered with Oregon DMV during the first four years after their model year. Because there is no registration renewal requirement, there is no testing requirement.

How would the proposed rule address the need?

Codifying the remote OBD testing procedures into rule requires the DEQ Too program to go through an open and honest review by both participants and the public. Once established, the proposed rules provide sufficient instructions for long term program operations. It provides transparency and consistency, which are hallmarks of good governance.

With Washington no longer requiring vehicle emissions testing and Idaho removing the requirement in mid-2023, DEQ would like to update the rule language. Extending the boundary and setting a clear boundary will address the hardship created by the existing rule

Oregon DEQ is including testing exemption language to reflect the current practices and avoid confusion.

How will DEQ know the rule addressed the need?

DEQ Too will continue to operate as intended and may see increased success under the clarity of the new rule.

The rule addresses the need by eliminating the outdated and inaccurate existing rule language.

Rule language would reflect current practices in the vehicle registration process.

Federal relationship

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

The proposed rules are not different from or in addition to federal requirements. Since the VIP is included in Oregon's State Implementation Plan, DEQ must include a demonstration to the Environmental Protection Agency that the proposed testing exemption will not interfere with the Portland-metro or Medford-Ashland areas maintaining compliance with the National Ambient Air Quality Standards.

What are the scientific, economic, technological, administrative and other reasons for exceeding applicable federal requirements?

The DEQ Too Program is a voluntary partnership between the DEQ and private entities in an effort to increase accessibility of testing sites for the public and decrease the volume at DEQ VIP stations. While these rules are not federally required, the program operates within the suite of programs DEQ uses to meet federal and state Clean Air Act requirements.

What alternatives did DEQ consider and why are you not pursuing them?

DEQ considered not proposing adoption of the rules.

DEQ did not pursue the alternative to not propose these rules because that would not achieve the intended policy goals of the program.

Rules affected, authorities, supporting documents

Lead division

Air Quality Division

Program or activity

Vehicle Inspection Program

Chapter 340 action

Adopt				
256-0466	256-0467	256-0468	256-0469	256-0471
Amend				
256-0010	256-0300	256-0370	256-0465	200-0040

Statutory Authority - ORS				
468.020	468A.365	468A.380	468A	468A.360
468A.810	467.030	468A.350-468A.400		

Statutes Implemented - ORS				
468A.035	468A.135	468A.350-468A.400	468A.810	808.350
803.415	815.295	815.300		

Documents relied on for rulemaking

Document title	Document location
DEQ Remote OBD Cost Estimates	https://www.oregon.gov/deq/rulemaking/Pages/vip2024.aspx

Vehicle Inspection Program 4-Year Exemption 110L Anti-Backsliding Demonstration	https://www.oregon.gov/deq/rulemaking/Pages/vip2024.aspx
Oregon DEQ Remote OBD Specification document for telematic providers	https://www.oregon.gov/deq/rulemaking/Pages/vip2024.aspx

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and the existing rules affected by this rulemaking.

OAR chapter 340, division 200

Rule Number	Rule Title	Explanation
0040	State of Oregon Clean Air Act Implementation Plan	Changing date to reflect amending the Clean Air Act State Implementation Plan to incorporate Vehicle Inspection Program rule updates

OAR chapter 340, division 256

Rule Number	Rule Title	Explanation
0010	Definitions	Amends existing language and additional language to include new definitions, renumbering definitions
0300	Emission Control System Inspection: Scope	Amends language to include new language describing the testing exemption for vehicles four-years after the vehicles designated model year.
0370	Emission Control System Inspection: Renewal of Registration for Light-duty Motor Vehicles and Heavy-duty Gasoline	Amends rule language to include removal of outdated and unclear language. Updates include new language that provides clarity on

Rule Number	Rule Title	Explanation
	Motor Vehicles Temporarily Operating Outside of the Oregon Vehicle Inspection Boundaries	boundary position and rule requirements.
0465	Emission Control System Inspection: Test Equipment Criteria for OBD Test Program	Amends language including the title. Language updates clarify terminology for agency infrastructure related to requirements. Language updates remove unclear rule.
0466	Emissions Control System Inspection: Test Equipment Criteria for Remote OBD Test Method	Adopts new program rules and requirements for test equipment
0467	Remote OBD Testing Program: Requirements for Host Participation and Test Method in the Remote OBD Testing Program	Adopts new program rules and requirements for participating hosts in the remote OBD program
0468	Emission Control System Inspection: Requirements for Dealership Participation in Remote OBD Testing Program	Adopts new program rules and requirements for participating dealerships in the remote OBD program
0469	Emission Control System Inspection: Requirements for Fleet Participation in Remote OBD Testing Program	Adopts new program rules and requirements for participating fleets in the remote OBD program
0471	Violations and Disqualification from Participation in Remote OBD Testing Program	Adopts new program rules that address violations and disqualifications, including the process for challenging violations

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and economic impact

The proposed rules would have little change to existing fiscal impacts for DEQ and the DEQ Too program participants, as these entities have been operating for several years under terms and conditions developed under OAR 340-256-0358. This rulemaking and fiscal and economic impact statement are to formally recognize the program in rule.

As of 2024, DEQ only charges a fee for obtaining a Clean Air Certificate per OAR 340-256-0320, which is not within the scope of this rulemaking.

DEQ will continue to incur the ongoing costs required to support the technology systems for the DEQ Too program. These costs include the maintenance, operation and replacement of equipment. Other technology costs include website support and web domain credentials (e.g., server costs, staff hours) [Table 1].

Testing participants will have costs related to agreements with device provider participants. DEQ has no influence or control over these costs.

Customers who choose to have their vehicle emissions tested through a DEQ Too host participant may be charged third party fees that are in addition to the cost of the Clean Air Certificate. The proposed rules do not require any additional charge to customers. DEQ does not charge additional fees for tests conducted at Clean Air Stations.

Statement of cost of compliance

State agencies

Table 1 shows the positions, estimated hours and full rate costs of VIP staff and services to run the DEQ Too Program.

Table 1 Cost of Program Operation on Agency Remote OBD Rulemaking, Aug. 12, 2024	
Titles and Hours	Rates
Job Title and Hours Per Month	Full Rate Per Hour and Full Rate Per Month

Environmental Engineer 2 - SR30 - Exempt	18.0	\$78.44	\$1,411.92
Information Systems Specialist 5 - SR28 - Non- Exempt	4.0	\$100.34	\$401.36
Public Service Representative 4 - SR20 - Non-Exempt	96.0	\$75.86	\$7,282.56
Operations & Policy Analyst 3 - SR30 - Exempt	80.0	\$96.88	\$7,750.40
Accounting Technician - SR19 - Non-Exempt	3.0	\$76.19	\$228.57
Public Service Representative 4 - SR20 - Non-Exempt	3.0	\$68.80	\$206.40
Administrative Specialist 2 - Non-Exempt	3.0	\$75.86	\$227.58
Office Specialist 2 - SR15 - Non-Exempt	3.0	\$65.80	\$197.40
Office Specialist 2 - SR15 - Non-Exempt	3.0	\$65.80	\$197.40
Business Operations Manager 3 - Exempt	2.0	\$136.85	\$273.70

Table 2 shows the costs for IT that can be directly tied to the Remote OBD testing program trademarked under DEQ Too. While there are other IT costs associated with running the program it is not feasible to distinguish them from other general IT functions utilized by DEQ.

Table 2 Cost of IT Hardware and Software Remote OBD Rulemaking, Aug. 12, 2024	
Development and Production SQL Servers	Development and Production Application Servers
\$1,423/year	\$468/year

Local governments

There are no fiscal impacts anticipated for local governments.

Public

The requirements of the proposed rules have no direct fiscal impact on the public. Where someone chooses to test their vehicle will determine the potential fiscal impact on that person.

Large businesses - businesses with more than 50 employees

Device manufacturers and some vehicle dealerships may be large businesses. However, as they offer a variety of services and have been involved in the DEQ Too Program from its initial stages, the expected impacts for these businesses are minimal.

Small businesses – businesses with 50 or fewer employees

ORS 183.336 Cost of compliance effect on small businesses

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

There are 346 businesses currently enrolled in the DEQ Too Program as testing participants. Assuming all participants are small businesses, the areas of the businesses impacted are broken down into three categories:

- Dealership: 185
- Fleets: 13
- Hosts: 148

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

Small businesses who voluntarily enroll into the program will have to keep a copy of their enrollment forms, a record of receipts from DEQ Too tests charged to a customer and must display DEQ-required signage.

DEQ does not expect the proposed rules to result in a large increase in the volume of work completed by small businesses who choose to participate. If adopted, there may be an increase in workload in the first few months as the program formalizes in 2025. Examples of this work would be completing any documents that are required by the proposed rules, a potential increase in interest to join the program due to increased awareness, or updates to websites for the DEQ Too Program. Such increases are not expected to be substantial or overly burdensome.

Recordkeeping requirements for complying with the proposed rulemaking are not overly burdensome for small businesses. The proposed rules require all participating businesses to keep and maintain the appropriate records with no special consideration given to the size of the business.

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

Participants must procure all equipment, supplies and labor necessary for them to successfully complete the DEQ Too emissions test. Testing equipment is purchased or leased by the participant from third party device manufacturers. DEQ is not a party in those transactions or agreements. There are no projected additional costs for labor or administration for small businesses to comply with the proposed rule.

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

Currently there are 185 dealerships, 148 hosts, 13 fleets and three device manufacturers in the DEQ Too Program.

DEQ hosted a Rules Advisory Committee to inform the development of the proposed rules (see Advisory Committee section), that included six representatives of the current DEQ Too Program to provide their feedback and insights on the proposed rules. Two were hosts, two from dealership associations, and two from device manufacturers.

Both S-Type (Shared/Snapshot) device manufacturers were invited as well. Most tests performed by participants of the DEQ Too Program use the S-Type device as it can be utilized across any vehicle that meets the requirements for remote OBD testing.

Documents relied on for fiscal and economic impact

Document title	Document location
DEQ Remote OBD Cost Estimates	DEQ Remote OBD Cost Estimates.xlsx

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ will ask for the committee's recommendations on the following:

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

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would have no effect on the development costs because the program has not demonstrated an impact on housing costs in the past. The proposed rules would be codifying a program that has been operating via agreements between DEQ and the participant. None of the economic data obtained during the program operations indicate an impact on development costs of a single-family dwelling. As the rulemaking relates to mobile source emissions inspections, the proposed rules do not increase nor decrease the cost of construction or development of a single-family dwelling as described by ORS 183.534.

Racial equity

ORS 183.335(2)(b)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state. Adoption of this rule codifies a program that relates to controls for mobile source emissions that are used in air pollution reduction efforts to comply with both federal and state requirements. Reducing air pollution both statewide and at the local level through mobile source vehicle testing has the potential to reduce the impact of pollution on marginalized communities and increase racial equity in Oregon. The analysis of this proposed rulemaking has no data suggesting a positive or negative impact on racial equity in this state. It has been assumed that increasing the availability of vehicle emissions testing locations and times through the remote DEQ Too Program will benefit all members of the community . More research and data will be needed to provide adequate analysis on the program's impact on racial equity.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. DEQ considered these effects by analyzing the current program for any negative impacts on environmental justice issues and convening a rule advisory committee with members who represent communities focused on environmental justice. DEQ will continue in its efforts to consider environmental justice issues related to the proposed rulemaking by opening the rules for 30 days for public comment, and hosting a public hearing where members of the public can voice comments on the rule and potentially address any environmental justice concerns they have with the proposed rule language.

Land use

Land-use considerations

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

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

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

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

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

Statewide goals also specifically reference the following DEQ programs:

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

Determination

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

EQC prior involvement

DEQ did not present additional information specific to this proposed rule revision.

Advisory committee

Background

DEQ convened the 2024 VIP Rulemaking advisory committee. The committee included representatives from the various impacted industries, automotive service providers, state and local agency representatives, and air quality advocates and met 3 times.

The advisory committee information is located on the [rulemaking web page](#).

Rulemaking Advisory Committee Members	
Name	Representing
Zach Edwards	Ashland Automotive
Carol Kilner	BL-Innovare
Mike Christopherson	DEQ Too Business Alliance
Tracy Olander	DMV
John Wasiutynski	Multnomah County
Mary Peveto	Neighbors for Clean Air
Jon McKinley	Opus Inspection
Greg Remensperger	Oregon Auto Dealers Assoc.
Diane Sparks	Oregon Independent Auto Dealers Association
Charlie Fischer	OSPIRG

Meeting notifications

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

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

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee met with staff and discussed proposed program requirements. Recordings of RAC meetings may be found on the rulemaking web page.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Sept. 27, 2024, Filing notice with the Oregon Secretary of State for publication in the October 2024 Oregon Bulletin
- Posting the notice, invitation to comment and draft rules on the [web page for this rulemaking](#)
- Emailing interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ Public Notices
 - Vehicle Inspection Program Updates
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senator Chris Gorsek
 - Senator Kim Thatcher
 - Representative Susan McLain
- Emailing advisory committee members,
- Posting on the DEQ event calendar: [DEQ Calendar](#)

How to comment on this rulemaking proposal

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- Email: Send comments by email to VIP.2024@DEQ.oregon.gov
- Postal mail: Oregon DEQ, Attn: Graham Bates, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232-4100
- At the public hearing: 5:30 p.m. PDT, Monday, Oct. 28, 2024

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Public hearing

DEQ plans to hold one public hearing.

The public hearing is online and by teleconference only.

Anyone can attend a hearing by webinar or teleconference.

Date: **Oct. 28, 2024**

Start time: 5:30 p.m. (PDT)

[Join Zoom Meeting](#)

Meeting ID: 894 1284 7118

Join by phone:

+16699006833,,89412847118# US (San Jose)

+17193594580,,89412847118# US

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

Supporting documents

The following supporting documents can be found on the [Vehicle Inspection Program Updates 2024 rulemaking page](#):

- Vehicle Inspection Program 4-Year Exemption 110L Anti-Backsliding Demonstration
- Oregon DEQ Remote OBD Specification document for telematic providers

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Division 200 GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

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

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~May 23~~January 9-10, 2025.

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

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

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

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

Statutory/Other Authority: ORS 468A & ORS 468.020

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

History:

[DEQ 8-2024, amend filed 05/24/2024, effective 05/24/2024](#)

[DEQ 7-2024, amend filed 05/24/2024, effective 05/25/2024](#)

[DEQ 6-2024, amend filed 05/24/2024, effective 05/24/2024](#)

[DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024](#)

[DEQ 19-2023, amend filed 11/17/2023, effective 11/17/2023](#)

[DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023](#)
[DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022](#)
[DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021](#)
[DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021](#)
[DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021](#)
[DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021](#)
[DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021](#)
[DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020](#)
[DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020](#)
[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)
[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)
[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)
[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
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DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
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DEQ 11-2013, f. & cert. ef. 11-7-13
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DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
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DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
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DEQ 5-1999, f. & cert. ef. 3-25-99
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DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
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DEQ 23-1991, f. & cert. ef. 11-13-91
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DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 256 MOTOR VEHICLES

340-256-0010 Definitions

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

- (1) "Application Receipt Period" means the calendar days including and between September 1 and October 31 of every year that the Department will begin the process of receiving annual renewal and applications for Approved Retrofit Technology.
- (2) "Approved Retrofit Technology" means on-road Diesel Particulate Matter pollution control system that meets the criteria established in OAR 340-256-0510.
- (3) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle mode as described in OAR 340-256-0340.
- (4) "CARB" means California Air Resources Board.
- (5) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.
- (6) "Certificate of Approved Retrofit Compliance" means an electronic certification issued by the Department that attests that the Medium-or Truck is equipped with

Approved Retrofit Technology that complies with all applicable provisions in OAR 340-256-0510 through OAR 340-256-0560.

(7) "CO₂" means a chemical formula representing the compound carbon dioxide.

(8) "CO" means a chemical formula representing the compound carbon monoxide.

(9) "Certificate of Compliance" means a hard copy or electronic document stating that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules. A certificate of compliance is issued by a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by DEQ, or an Independent Contractor.

(10) "Clean-Screening" means a procedure by which DEQ determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional emissions inspection station test. DEQ's decision may be the result of remotely sensing the emissions, the status of emissions equipment, or another means determined by DEQ.

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

(12) "Component Swapping" means moving components of an Approved Retrofit Technology from the Medium or ~~Heavy-duty~~ Heavy-duty Truck on which it was originally installed to another Medium- or ~~Heavy-duty~~ Heavy-duty Truck in compliance with OAR 340-256-0560.

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

(14) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(9).

(15) "DEQ" means the Department of Environmental Quality.

(16) "Diesel Engine" means a compression ignition engine.

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

(18) "Diesel Particulate Matter" means the particles found in the exhaust of a Diesel Engine.

(19) "Director" means the director of DEQ.

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

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

(22) "Emissions Inspection Station" means a facility, operated by DEQ or an Independent Contractor, for the purpose of conducting emissions inspections of vehicles required to be inspected under this Division.

(23) "EPA" means the United States Environmental Protection Agency.

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

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

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

[\(27\) "Fleet participant" means a person who has applied for and been approved to conduct remote OBD testing for a fleet of vehicles as described in OAR 340-265-0469](#)

~~(2728)~~ "Gas analytical system" means a device that measures the amount of contaminants in the exhaust emissions of a motor vehicle and that has been issued a license by DEQ under OAR 340-256-0450 and ORS 468A.380.

~~(2829)~~ "Gaseous fuel" includes, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms.

~~(29-30)~~ "Gasoline motor vehicle" means a motor vehicle powered by a spark-ignition internal combustion engine.

~~(30-31)~~ "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum design loaded weight of a vehicle.

~~(3132)~~ "~~Heavy-duty~~[Heavy-duty](#) motor vehicle" means any motor vehicle with a GVWR greater than 8,500 pounds.

~~(3233)~~ "~~Heavy-duty~~[Heavy-duty](#) Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 26,000 pounds.

(~~33~~34) "HC" is an abbreviation that means hydrocarbon.

(35) "Host participant" means a person who has applied for and been approved to conduct remote OBD testing as described in OAR 340-256-0467

(~~34~~36) "Hydrocarbon" means a class of chemical compounds consisting of hydrogen and carbon.

(~~35~~37) "Idle speed" means the engine speed when accelerator pedal is fully released.

(~~36~~38) "Imported vehicle" means a vehicle legally imported from another country through channels other than the maker's official distribution system.

(~~37~~39) "Independent Contractor" means any person with whom DEQ enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities under ORS 468A.370 and these rules.

(~~38~~40) "Inspection and Maintenance Program or I/M Program" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the motor vehicle exhaust and an inspection of the motor vehicle pollution control system, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing motor vehicle pollution control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the motor vehicle pollution control systems function as intended and to reduce tailpipe emissions of air contaminants.

(~~39~~41) "In-use motor vehicle" means any motor vehicle that is not a new motor vehicle.

(~~40~~42) "Light-duty motor vehicle" means any motor vehicle with a GVWR of 8,500 pounds or less.

(~~41~~43) "Medium-duty Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 14,000 pounds but less than or equal to 26,000 pounds.

(~~42~~44) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production of the vehicle or engine begins.

(~~43~~45) "Motor vehicle" or "vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.

(~~44~~46) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

(~~45~~47) "Motor Vehicle Fleet Operation" means ownership, control, management or any combination thereof, by any person, of five or more motor vehicles.

(~~46~~48) "New motor vehicle" means a motor vehicle whose equitable or legal title has never been transferred to a person who, in good faith, purchases the motor vehicle for purposes other than resale.

(~~47~~49) "OBD" and "OBD-II" means the On Board Diagnostic system in a vehicle that tracks the effectiveness of the motor vehicle's pollution control system.

(~~48~~50) "OBD Test" means an emissions test that downloads diagnostic information from the vehicle's OBD computer to evaluate the effectiveness of the motor vehicle pollution control system.

(~~49~~51) "On-Site Vehicle Test" means an emissions test conducted at the vehicle owner's location.

(~~50~~52) "Owner" means the person having all the incidents of ownership in a vehicle. Where the incidents of ownership are in different persons, it means the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of 10 or more successive days.

(~~51~~53) "Opacity" means the degree to which transmitted light is obscured, expressed in percent.

(~~52~~54) "Periodic Verification Process" means the ongoing requirement to provide proof of Approved Retrofit Technology maintenance and operation to the Department to maintain the validity of a Certificate of Approved Retrofit Compliance.

(~~53~~55) "Permanent Fleet Vehicle" means a motor vehicle that the Oregon Department of Transportation identifies with permanent fleet tags, stickers, plates or other identification ODOT determines appropriate.

(~~54~~56) "Person" means an individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

(~~55~~57) "PPM" means parts per million by volume.

~~(56-58)~~ "Private Business Fleet" means a group of 100 or more Oregon-registered, in-use, motor vehicles that are owned by any person, excluding those vehicles held primarily for the purpose of resale.

~~(57-59)~~ "Private Business Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Private Business Fleet who possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

~~(58-60)~~ "Public Agency Fleet" means a group of 50 or more government-owned vehicles registered under ORS 805.040.

~~(59-61)~~ "Public Agency Fleet Vehicle Emissions Inspector" means any person employed on a full-time basis by a Public Agency Fleet that possesses a current and valid license issued by DEQ under OAR 340-256-0440 and ORS 468A.380.

~~(60-62)~~ "Public roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof used by the public, or dedicated or appropriated to public use.

~~(61-63)~~ "Re-Designation" means the complete removal of an Approved Retrofit Technology from the Medium or Heavy-duty Truck on which it was original installed and the subsequent transfer of the Approved Retrofit Technology to another Medium or Heavy-duty Truck within the person's commonly owned fleet in compliance with OAR 340-256-0560.

~~(62-64)~~ "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468A.005 to 468A.035, 468A.075, 468A.100 to 468A.130, and 468A.140 to 468A.175.

~~(63-65)~~ "Remote Sensing" means a technique for determining the level of a vehicle's emissions without connecting equipment directly to the vehicle, done either by optically measuring the pollutants in the vehicle's exhaust plume, by remotely receiving a vehicle's emissions diagnostic information, or by other means determined by DEQ.

~~(64-66)~~ "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for use as published in May 1967, by the U.S. Department of Interior, Bureau of Mines, Information circular 8333.

~~(65-67)~~ "RPM" means engine crankshaft revolutions per minute.

~~(66-68)~~ "Self-Service Test" means a procedure for vehicle testing offered by DEQ where the vehicle owner or driver can perform an emissions test on the vehicle at a facility provided by DEQ using remote sensing, plug-in OBD emissions testing, or other means designated by DEQ.

(69) "Test equipment" means equipment that must contain the standard terminal Diagnostic Link Connector for OBD systems and be capable of operating as described in 340-256-0465

(~~67~~-70) "Vehicle Emission Inspector" means any person employed by the Department or an Independent Contractor who possesses a current and valid license issued by the Department under OAR 340-256-0440 and ORS 468A.380.

(~~68~~-71) "VIN" or "Vehicle Identification Number" means a unique code including a serial number that identifies a specific vehicle.

(72) "VIP" means DEQ's Vehicle Inspection Program established under this division.

(~~69~~-73) "Visible emissions" means those gases or particulates, excluding uncombined water, that separately or in combination are visible upon release to the outdoor atmosphere.

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

Statutory/Other Authority: ORS 468A.360, ORS 468A.810 & ORS 468.020

Statutes/Other Implemented: ORS 468A.350 - 468A.400, 468A.810 & ~~ORS 468A.810~~

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

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

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

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

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

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

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

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

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

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

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

340-256-0300

Emission Control System Inspection: Scope

ORS 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, and OAR 340-256-0300 through 340-256-~~0465~~-0471 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to DEQ or DMV a statement describing the grounds for the exemption on forms as provided by DEQ or DMV.

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

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

(A) Gasoline model year 1975 through 1995

(B) Diesel model year 1975 through 1996

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

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

(2) Except as provided in sections (3) and (4) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

(a) A light-duty gasoline vehicle that is a 1996 and newer model year or a light-duty diesel vehicle that is 1997 and newer model year must meet the OBD test requirements of OAR 340-256-0355. For those vehicles that cannot be OBD tested due to

manufacturer defects in the vehicle, incompatibility with the OBD test equipment, or other similar manufacturing problems, the vehicle must meet the basic test requirements of OAR 340-256-0340, 340-256-0380, and 340-256-0400 or other test criteria as determined by DEQ.

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

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

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

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

(a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or

(b) Self-Service OBD Testing following the procedures of OAR 340-256-0358.

[\(4\) New vehicles are exempt from the OBD test requirements of OAR 340-256-0355 until January 1 of the calendar year that is four years after a vehicle's designated model year. New vehicles that were initially registered in Oregon and are owned by the original purchaser must comply with that requirement beginning with their first registration after the initial registration period.](#)

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

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

Statutes/Other Implemented: ORS 468A.350 - 468A.400 , 803.350, [803.415](#), & [815.295](#) & [815.300](#)

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DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 4-2000(Temp), f. & cert. ef. 2-17-00 thru 8-9-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0300
DEQ 2-1998, f. & cert. ef. 3-5-98
DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 23-1984, f. 11-19-84, cert. ef. 4-1-85
DEQ 139, f. 6-30-77, cert. ef. 7-1-77
DEQ 89, f. 4-22-75, cert. ef. 5-25-75

340-256-0320

Emission Control System Inspection: Motor Vehicle Inspection Program Fee Schedule

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

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

(a) In the Portland Vehicle Inspection Area, a maximum of \$25; or

(b) In the Medford-Ashland AQMA, a maximum of \$15 until June 30, 2021; and then a maximum of \$20.

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

(a) In the Portland Vehicle Inspection Area, a maximum of \$10; and

(b) In the Medford-Ashland AQMA, a maximum of \$5.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

Statutory/Other Authority: ORS 468A.400

Statutes/Other Implemented: ORS 468A.400

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 13-2020, temporary amend filed 05/07/2020, effective 06/01/2020 through 11/27/2020

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

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

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

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

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

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

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

340-256-0370

Emission Control System Inspection: Renewal of Registration for Light-duty Motor Vehicles and Heavy-duty Gasoline Motor Vehicles Temporarily Operating Outside of ~~Oregon~~ [the Oregon Vehicle Inspection Boundaries](#)

Vehicles registered in the Portland Vehicle Inspection Area and Medford-Ashland AQMA and ~~operated in another state at an address located at least 150 miles outside the Oregon border~~ [are temporarily operated at an address located South of the US-Canada border, North of latitude line 40°N, and West of longitude line 121°W](#) must comply with the following requirements:

(1) For vehicles operated within another Environmental Protection Agency approved Inspection and Maintenance (I/M) program area, DEQ shall establish reciprocity provisions to ensure motor vehicle compliance with the other state's I/M requirements. Compliance with the other state's I/M program requirements is equivalent to the issuance of a Certificate of Compliance.

(2) For vehicles operated ~~in another state~~, [outside of the boundaries listed in 340-256-0370](#), but not within another Environmental Protection Agency approved Inspection and Maintenance (I/M) area, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to Oregon. Within 30 calendar

days of the date the vehicle returns to Oregon it must comply with the Oregon I/M Program's test criteria, methods and standards.

(3) For vehicles operated in Oregon, but East of longitude line 121°W, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to the registered address. Within 30 calendar days of the date the vehicle returns to the registered address it must comply with the Oregon I/M Program's test criteria, methods and standards.

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

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

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

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

340-256-0465

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

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

(1) Making an automatic pass/fail decision based on malfunction indicator light observations and vehicle OBD system download;

(2) Transferring electronic vehicle test result to the ~~VIP central data server~~ [DEQ online computer servers](#) ~~for emissions data~~;

~~(3) Meeting additional fleet operations specifications as DEQ prescribes.~~

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

340-256-0466

Emissions Control System Inspection: Test Equipment Criteria for Remote OBD Test Method

Devices used by participants in the remote OBD testing program must meet the following standards:

(1) All devices that acquire and handheld data must be capable of electronically submitting data to the DEQ online computer servers either;

(a) Through the telematics device itself; or

(b) Through a data acquisition server; and

(2) Devices manufactured for the remote OBD test must comply with criteria listed in the Oregon DEQ Remote OBD Specification Document for Telematic Device Provided as of March 05, 2016

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0467

Remote OBD Testing Program: Requirements for Host Participation and Test Method in the Remote OBD Testing Program

(1) Eligibility: Host participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must have provided a commercially viable primary automotive service or automotive service – related product for at least 12-months. A person who proposes to operate solely as an emissions testing business is not eligible;

(b) Must be located in and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to filing the application, as provided in ORS 468.0066;

(d) Must not have committed any crimes or violated any state laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Host Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.006(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be host participants.

(4) Testing Procedures: Host participants must continuously meet the following program requirements:

- (a) Host participants must continuously maintain compliance with the eligibility requirements described in section (1).
- (b) All remote OBD testing must be done with equipment that is leased or owned by the host participant;
- (c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.
- (d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;
- (e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;
- (f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:
- (A) Model year 2013 and newer model years; and
- (B) Equipped with an OBD-II compliant or newer OBD system;
- (g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and
- (h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;
- (A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;
- (B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,
- (5) All communications with customer about the test must comply with the following:
- (a) A host participant may not represent themselves or the testing devices as agents of the State of Oregon, DEQ, or the VIP program; and
- (b) A host participant may not communicate whether the vehicle has passed or failed the test;
- (6) Fees charged by Host Participants: Host participants may not request or require payment of fees for performing the Remote OBD testing other than as provided in this section. If a host participant charges such a fee, then the following are required:

(a) Host participants are prohibited from setting a fee to same dollar amount as a Clean Air Certificate in the respective regions as set in OAR 340-256-0320

(b) A statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: “DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ.”

(c) On bills, receipts, or statements issued by the Host to the customer the Host must label the fee charged as “Third Party Fee”.

(7) Record Keeping: host participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the host participant’s application to DEQ to be approved as a host participant.

(8) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Host participants must provide all records described in section (7), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ’s audit.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468.066 and 468A.380

340-256-0468

Emission Control System Inspection: Requirements for Dealership Participation in Remote OBD Testing Program

(1) Eligibility: Dealership participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must obtain and have current all required licenses to operate a dealership,

(b) Must be located in, and provide service within the state of Oregon;

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e)Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Dealership Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be Dealership participants.

(4) Testing Procedures: Dealership participants must continuously meet the following program requirements:

(a) Dealership participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the Dealership participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;

(e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,

(5) Record Keeping: Dealership participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(c) A copy of the dealership participant's application to DEQ to be approved as a Dealership participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Dealership participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

(7) Dealerships must additionally adhere to all requirements in 340-256-0467 if a Dealership participant intends to offer Remote OBD testing for the general public meaning cars not in their inventory.

(8) Fees charged by Dealerships: Dealership participants may not request or require payment of fees for performing the remote OBD testing other than as provided in this section. If a dealership participant charges such a fee, then the following are required:

(a) Dealership participants are prohibited from setting a fee to same dollar amount as a Clean Air Certificate in the respective regions as set in OAR 340-256-0320

(b) A statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: "DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ."

(c) On bills, receipts, or statements issued by the Dealership to the customer the Dealership must label the fee charged as "Third Party Fee".

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0469

Emission Control System Inspection: Requirements for Fleet Participation in Remote OBD Testing Program

(1) Eligibility: Fleet participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must be the person or representative of person in ownership of vehicle fleet,

(b) Must be located in, and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Fleet Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to

determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be fleet participants.

(4) Testing Procedures: Fleet participants must continuously meet the following program requirements:

(a) Fleet participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the fleet participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;

(e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information.

(5) Record Keeping: fleet participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the fleet participant's application to DEQ to be approved as a fleet participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Fleet participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0471

Violations and Disqualification from Participation in Remote OBD Testing Program

(1) Any violation of the requirements to comply with OAR 340-256-0467 by a host participant, OAR 340-256-0468 dealership participant, or OAR 340-256-0469 fleet participant in the Remote OBD Testing Program is subject to enforcement as provided in this rule.

(2) A violation described in section (1) is subject to DEQ taking any of the following enforcement actions:

(a) A proposed order assessing civil penalties as provided under OAR chapter 340, division 12;

(b) A proposed order disqualifying the person from participation in the Remote OBD Testing Program; and-

(c) If DEQ finds a serious danger to the public health or safety would result from continued participation in the Remote OBD Testing Program, DEQ may issue a final order immediately suspending the person's authorization to participate in the Remote OBD Testing Program.

(3) Orders may be challenged based on the following provisions;

(a) A person who receives a proposed order described in section (2)(a) may request a hearing to challenge the order no later than 320 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(b) A person who receives a proposed order described in section (2)(b) may request a hearing to challenge the order no later than 60 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(c) A person who receives a final order described in section (2)(c) may request a hearing to challenge the order no later than 90 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

Draft Rules – Edits Incorporated

Division 200 GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

340-200-0040

State of Oregon Clean Air Act Implementation Plan

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

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR chapter 340, division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on January 9-10, 2025.

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

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

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

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

Statutory/Other Authority: ORS 468A & ORS 468.020

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

History:

[DEQ 8-2024, amend filed 05/24/2024, effective 05/24/2024](#)

[DEQ 7-2024, amend filed 05/24/2024, effective 05/25/2024](#)

[DEQ 6-2024, amend filed 05/24/2024, effective 05/24/2024](#)

[DEQ 4-2024, amend filed 03/25/2024, effective 03/25/2024](#)

[DEQ 19-2023, amend filed 11/17/2023, effective 11/17/2023](#)

[DEQ 19-2022, amend filed 11/18/2022, effective 03/01/2023](#)

[DEQ 2-2022, amend filed 02/03/2022, effective 02/03/2022](#)
[DEQ 22-2021, amend filed 11/18/2021, effective 11/18/2021](#)
[DEQ 21-2021, amend filed 11/18/2021, effective 11/18/2021](#)
[DEQ 14-2021, amend filed 07/26/2021, effective 07/26/2021](#)
[DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021](#)
[DEQ 1-2021, amend filed 01/21/2021, effective 01/21/2021](#)
[DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020](#)
[DEQ 17-2020, amend filed 09/21/2020, effective 09/21/2020](#)
[DEQ 18-2019, amend filed 07/19/2019, effective 07/19/2019](#)
[DEQ 14-2019, amend filed 05/17/2019, effective 05/17/2019](#)
[DEQ 4-2019, amend filed 01/24/2019, effective 01/24/2019](#)
[DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018](#)
[DEQ 192-2018, amend filed 09/14/2018, effective 09/14/2018](#)
[DEQ 190-2018, amend filed 07/13/2018, effective 07/13/2018](#)
[DEQ 11-2018, amend filed 03/23/2018, effective 03/23/2018](#)
DEQ 7-2017, f. & cert. ef. 7-13-17
DEQ 2-2017, f. & cert. ef. 1-19-17
DEQ 14-2015, f. & cert. ef. 12-10-15
DEQ 10-2015, f. & cert. ef. 10-16-15
DEQ 7-2015, f. & cert. ef. 4-16-15
DEQ 6-2015, f. & cert. ef. 4-16-15
DEQ 7-2014, f. & cert. ef. 6-26-14
DEQ 6-2014, f. & cert. ef. 3-31-14
DEQ 5-2014, f. & cert. ef. 3-31-14
DEQ 4-2014, f. & cert. ef. 3-31-14
DEQ 1-2014, f. & cert. ef. 1-6-14
DEQ 12-2013, f. & cert. ef. 12-19-13
DEQ 11-2013, f. & cert. ef. 11-7-13
DEQ 4-2013, f. & cert. ef. 3-27-13
DEQ 10-2012, f. & cert. ef. 12-11-12
DEQ 7-2012, f. & cert. ef. 12-10-12
DEQ 1-2012, f. & cert. ef. 5-17-12
DEQ 18-2011, f. & cert. ef. 12-21-11
DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11
DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11
DEQ 1-2011, f. & cert. ef. 2-24-11
DEQ 14-2010, f. & cert. ef. 12-10-10
DEQ 5-2010, f. & cert. ef. 5-21-10
DEQ 2-2010, f. & cert. ef. 3-5-10
DEQ 8-2009, f. & cert. ef. 12-16-09
DEQ 3-2009, f. & cert. ef. 6-30-09
DEQ 15-2008, f. & cert. ef. 12-31-08
DEQ 14-2008, f. & cert. ef. 11-10-08
DEQ 12-2008, f. & cert. ef. 9-17-08
DEQ 11-2008, f. & cert. ef. 8-29-08
DEQ 5-2008, f. & cert. ef. 3-20-08

DEQ 8-2007, f. & cert. ef. 11-8-07
DEQ 4-2007, f. & cert. ef. 6-28-07
DEQ 3-2007, f. & cert. ef. 4-12-07
DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06
DEQ 2-2006, f. & cert. ef. 3-14-06
DEQ 9-2005, f. & cert. ef. 9-9-05
DEQ 7-2005, f. & cert. ef. 7-12-05
DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05
DEQ 2-2005, f. & cert. ef. 2-10-05
DEQ 1-2005, f. & cert. ef. 1-4-05
DEQ 10-2004, f. & cert. ef. 12-15-04
DEQ 1-2004, f. & cert. ef. 4-14-04
DEQ 19-2003, f. & cert. ef. 12-12-03
DEQ 14-2003, f. & cert. ef. 10-24-03
DEQ 5-2003, f. & cert. ef. 2-6-03
DEQ 11-2002, f. & cert. ef. 10-8-02
DEQ 5-2002, f. & cert. ef. 5-3-02
DEQ 4-2002, f. & cert. ef. 3-14-02
DEQ 17-2001, f. & cert. ef. 12-28-01
DEQ 16-2001, f. & cert. ef. 12-26-01
DEQ 15-2001, f. & cert. ef. 12-26-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 4-2001, f. & cert. ef. 3-27-01
DEQ 2-2001, f. & cert. ef. 2-5-01
DEQ 21-2000, f. & cert. ef. 12-15-00
DEQ 20-2000 f. & cert. ef. 12-15-00
DEQ 17-2000, f. & cert. ef. 10-25-00
DEQ 16-2000, f. & cert. ef. 10-25-00
DEQ 13-2000, f. & cert. ef. 7-28-00
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 6-2000, f. & cert. ef. 5-22-00
DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01
DEQ 15-1999, f. & cert. ef. 10-22-99
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 6-1999, f. & cert. ef. 5-21-99
DEQ 5-1999, f. & cert. ef. 3-25-99
DEQ 1-1999, f. & cert. ef. 1-25-99
DEQ 21-1998, f. & cert. ef. 10-12-98
DEQ 20-1998, f. & cert. ef. 10-12-98
DEQ 17-1998, f. & cert. ef. 9-23-98
DEQ 16-1998, f. & cert. ef. 9-23-98
DEQ 15-1998, f. & cert. ef. 9-23-98
DEQ 10-1998, f. & cert. ef. 6-22-98
DEQ 24-1996, f. & cert. ef. 11-26-96
DEQ 23-1996, f. & cert. ef. 11-4-96

DEQ 22-1996, f. & cert. ef. 10-22-96
DEQ 19-1996, f. & cert. ef. 9-24-96
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DEQ 8-1996(Temp), f. & cert. ef. 6-3-96
DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95
DEQ 19-1995, f. & cert. ef. 9-1-95
DEQ 17-1995, f. & cert. ef. 7-12-95
DEQ 14-1995, f. & cert. ef. 5-25-95
DEQ 10-1995, f. & cert. ef. 5-1-95
DEQ 9-1995, f. & cert. ef. 5-1-95
DEQ 25-1994, f. & cert. ef. 11-2-94
DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94
DEQ 14-1994, f. & cert. ef. 5-31-94
DEQ 5-1994, f. & cert. ef. 3-21-94
DEQ 1-1994, f. & cert. ef. 1-3-94
DEQ 19-1993, f. & cert. ef. 11-4-93
DEQ 17-1993, f. & cert. ef. 11-4-93
DEQ 16-1993, f. & cert. ef. 11-4-93
DEQ 15-1993, f. & cert. ef. 11-4-93
DEQ 12-1993, f. & cert. ef. 9-24-93
DEQ 8-1993, f. & cert. ef. 5-11-93
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 27-1992, f. & cert. ef. 11-12-92
DEQ 26-1992, f. & cert. ef. 11-2-92
DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92
DEQ 20-1992, f. & cert. ef. 8-11-92
DEQ 19-1992, f. & cert. ef. 8-11-92
DEQ 7-1992, f. & cert. ef. 3-30-92
DEQ 3-1992, f. & cert. ef. 2-4-92
DEQ 1-1992, f. & cert. ef. 2-4-92
DEQ 25-1991, f. & cert. ef. 11-13-91
DEQ 24-1991, f. & cert. ef. 11-13-91
DEQ 23-1991, f. & cert. ef. 11-13-91
DEQ 22-1991, f. & cert. ef. 11-13-91
DEQ 21-1991, f. & cert. ef. 11-13-91
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DEQ 2-1991, f. & cert. ef. 2-14-91
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DEQ 21-1987, f. & cert. ef. 12-16-87
DEQ 8-1987, f. & cert. ef. 4-23-87
DEQ 5-1987, f. & cert. ef. 3-2-87
DEQ 4-1987, f. & cert. ef. 3-2-87
DEQ 21-1986, f. & cert. ef. 11-7-86
DEQ 20-1986, f. & cert. ef. 11-7-86
DEQ 10-1986, f. & cert. ef. 5-9-86

DEQ 5-1986, f. & cert. ef. 2-21-86
DEQ 12-1985, f. & cert. ef. 9-30-85
DEQ 3-1985, f. & cert. ef. 2-1-85
DEQ 25-1984, f. & cert. ef. 11-27-84
DEQ 18-1984, f. & cert. ef. 10-16-84
DEQ 6-1983, f. & cert. ef. 4-18-83
DEQ 1-1983, f. & cert. ef. 1-21-83
DEQ 21-1982, f. & cert. ef. 10-27-82
DEQ 14-1982, f. & cert. ef. 7-21-82
DEQ 11-1981, f. & cert. ef. 3-26-81
DEQ 22-1980, f. & cert. ef. 9-26-80
DEQ 21-1979, f. & cert. ef. 7-2-79
DEQ 19-1979, f. & cert. ef. 6-25-79
DEQ 54, f. 6-21-73, cert. ef. 7-1-73
DEQ 35, f. 2-3-72, cert. ef. 2-15-72

Division 256 MOTOR VEHICLES

340-256-0010

Definitions

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

- (1) "Application Receipt Period" means the calendar days including and between September 1 and October 31 of every year that the Department will begin the process of receiving annual renewal and applications for Approved Retrofit Technology.
- (2) "Approved Retrofit Technology" means on-road Diesel Particulate Matter pollution control system that meets the criteria established in OAR 340-256-0510.
- (3) "Basic test" means an inspection and maintenance program designed to measure exhaust emission levels during an unloaded idle mode as described in OAR 340-256-0340.
- (4) "CARB" means California Air Resources Board.
- (5) "CCD" means the Commerce and Compliance Division of the Oregon Department of Transportation.
- (6) "Certificate of Approved Retrofit Compliance" means an electronic certification issued by the Department that attests that the Medium-or Truck is equipped with Approved Retrofit Technology that complies with all applicable provisions in OAR 340-256-0510 through OAR 340-256-0560.

- (7) "CO₂" means a chemical formula representing the compound carbon dioxide.
- (8) "CO" means a chemical formula representing the compound carbon monoxide.
- (9) "Certificate of Compliance" means a hard copy or electronic document stating that the vehicle identified on the certificate is equipped with the required functioning motor vehicle pollution control systems and otherwise complies with the Commission's emission control criteria, standards, and rules. A certificate of compliance is issued by a Private Business Fleet Vehicle Emission Inspector, a Public Agency Fleet Vehicle Emission Inspector, a Vehicle Emissions Inspector employed by DEQ, or an Independent Contractor.
- (10) "Clean-Screening" means a procedure by which DEQ determines that a vehicle has acceptable emissions and then allows the vehicle owner to bypass the traditional emissions inspection station test. DEQ's decision may be the result of remotely sensing the emissions, the status of emissions equipment, or another means determined by DEQ.
- (11) "Commission" means the Environmental Quality Commission.
- (12) "Component Swapping" means moving components of an Approved Retrofit Technology from the Medium or Heavy-duty Truck on which it was originally installed to another Medium- or Heavy-duty Truck in compliance with OAR 340-256-0560.
- (13) "Dealer" means any person who is engaged wholly or in part in the business of buying, selling, or exchanging, either outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, motor vehicles.
- (14) "Dealership" means a business involved in the sale of vehicles that is franchised with an automobile manufacturer as defined in ORS 650.120(9).
- (15) "DEQ" means the Department of Environmental Quality.
- (16) "Diesel Engine" means a compression ignition engine.
- (17) "Diesel motor vehicle" means a motor vehicle powered by a stratified charge compression-ignition internal combustion engine.
- (18) "Diesel Particulate Matter" means the particles found in the exhaust of a Diesel Engine.
- (19) "Director" means the director of DEQ.
- (20) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

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

(22) "Emissions Inspection Station" means a facility, operated by DEQ or an Independent Contractor, for the purpose of conducting emissions inspections of vehicles required to be inspected under this Division.

(23) "EPA" means the United States Environmental Protection Agency.

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

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

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

(27) "Fleet participant" means a person who has applied for and been approved to conduct remote OBD testing for a fleet of vehicles as described in OAR 340-265-0469

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

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

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

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

(32) "Heavy-duty motor vehicle" means any motor vehicle with a GVWR greater than 8,500 pounds.

(33) "Heavy-duty Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 26,000 pounds.

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

- (35) "Host participant" means a person who has applied for and been approved to conduct remote OBD testing as described in OAR 340-256-0467
- (36) "Hydrocarbon" means a class of chemical compounds consisting of hydrogen and carbon.
- (37) "Idle speed" means the engine speed when accelerator pedal is fully released.
- (38) "Imported vehicle" means a vehicle legally imported from another country through channels other than the maker's official distribution system.
- (39) "Independent Contractor" means any person with whom DEQ enters into an agreement providing for the construction, equipment, maintenance, personnel, management or operation of emissions inspection stations or activities under ORS 468A.370 and these rules.
- (40) "Inspection and Maintenance Program or I/M Program" means a program of conducting regular inspections of motor vehicles, including measurement of air contaminants in the motor vehicle exhaust and an inspection of the motor vehicle pollution control system, to identify vehicles that do not meet the standards of this Division or that have malfunctioning, maladjusted or missing motor vehicle pollution control systems, and, when necessary, of requiring the repair or adjustment of vehicles to make the motor vehicle pollution control systems function as intended and to reduce tailpipe emissions of air contaminants.
- (41) "In-use motor vehicle" means any motor vehicle that is not a new motor vehicle.
- (42) "Light-duty motor vehicle" means any motor vehicle with a GVWR of 8,500 pounds or less.
- (43) "Medium-duty Truck" means a Diesel Motor Vehicle, or combination of Diesel Motor Vehicles operated as a unit, that has or have a gross vehicle weight rating that is greater than 14,000 pounds but less than or equal to 26,000 pounds.
- (44) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines means the 12-month period beginning January of the year in which production of the vehicle or engine begins.
- (45) "Motor vehicle" or "vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads.
- (46) "Motor vehicle pollution control system" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine adjustment or modification that causes a reduction of pollutants

emitted from the vehicle, or a system or device that inhibits the introduction of fuels that can adversely affect the overall motor vehicle pollution control system.

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

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

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

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

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

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

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

(54) "Periodic Verification Process" means the ongoing requirement to provide proof of Approved Retrofit Technology maintenance and operation to the Department to maintain the validity of a Certificate of Approved Retrofit Compliance.

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

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

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

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

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

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

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

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

(63) "Re-Designation" means the complete removal of an Approved Retrofit Technology from the Medium or Heavy-duty Truck on which it was original installed and the subsequent transfer of the Approved Retrofit Technology to another Medium or Heavy-duty Truck within the person's commonly owned fleet in compliance with OAR 340-256-0560.

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

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

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

(67) "RPM" means engine crankshaft revolutions per minute.

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

(69) "Test equipment" means equipment that must contain the standard terminal Diagnostic Link Connector for OBD systems and be capable of operating as described in 340-256-0465

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

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

(72) "VIP" means DEQ's Vehicle Inspection Program established under this division.

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

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

Statutory/Other Authority: ORS 468A.360, ORS 468A.810 & ORS 468.020

Statutes/Other Implemented: ORS 468A.350 - 468A.400, 468A.810 & ORS 468A.810

History:

DEQ 11-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

340-256-0300

Emission Control System Inspection: Scope

ORS 468A.350 to 468A.400, 803.350, and 815.295 to 815.325, and OAR 340-256-0300 through 340-256-0471 establish the criteria, methods, and standards for inspecting motor vehicles to determine eligibility for obtaining a Certificate of Compliance or inspection. Any person subject to these rules must obtain a Certificate of Compliance as

required under ORS 803.350. Any person seeking an exemption from the inspection requirements of this rule must prepare and submit to DEQ or DMV a statement describing the grounds for the exemption on forms as provided by DEQ or DMV.

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

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

(A) Gasoline model year 1975 through 1995

(B) Diesel model year 1975 through 1996

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

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

(2) Except as provided in sections (3) and (4) of this rule, any person owning or leasing vehicles that are up to 20 model years in age in the Medford-Ashland Air Quality Maintenance Area must ensure the vehicles meet the requirements of one of the following emission tests:

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

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

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

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

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

(a) Clean-Screen Testing following the procedures of OAR 340-256-0357 or

(b) Self-Service OBD Testing following the procedures of OAR 340-256-0358.

(4) New vehicles are exempt from the OBD test requirements of OAR 340-256-0355 until January 1 of the calendar year that is four years after a vehicle's designated model year. New vehicles that were initially registered in Oregon and are owned by the original purchaser must comply with that requirement beginning with their first registration after the initial registration period.

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

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

Statutes/Other Implemented: ORS 468A.350 - 468A.400 , 803.350, 803.415, 815.295 & 815.300

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

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

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

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

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

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

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

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

DEQ 25-1996, f. & cert. ef. 11-26-96
DEQ 4-1993, f. & cert. ef. 3-10-93
DEQ 23-1984, f. 11-19-84, cert. ef. 4-1-85
DEQ 139, f. 6-30-77, cert. ef. 7-1-77
DEQ 89, f. 4-22-75, cert. ef. 5-25-75

340-256-0320

Emission Control System Inspection: Motor Vehicle Inspection Program Fee Schedule

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

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

(a) In the Portland Vehicle Inspection Area, a maximum of \$25; or

(b) In the Medford-Ashland AQMA, a maximum of \$15 until June 30, 2021; and then a maximum of \$20.

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

(a) In the Portland Vehicle Inspection Area, a maximum of \$10; and

(b) In the Medford-Ashland AQMA, a maximum of \$5.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

(a) Initial \$5;

(b) Annual renewal \$1.

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

Statutory/Other Authority: ORS 468A.400

Statutes/Other Implemented: ORS 468A.400

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

DEQ 13-2020, temporary amend filed 05/07/2020, effective 06/01/2020 through 11/27/2020

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

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

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

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

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

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

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

340-256-0370

Emission Control System Inspection: Renewal of Registration for Light-duty Motor Vehicles and Heavy-duty Gasoline Motor Vehicles Temporarily Operating Outside of the Oregon Vehicle Inspection Boundaries

Vehicles registered in the Portland Vehicle Inspection Area and Medford-Ashland AQMA and are temporarily operated at an address located South of the US-Canada border, North of latitude line 40°N, and West of longitude line 121°W must comply with the following requirements:

(1) For vehicles operated within another Environmental Protection Agency approved Inspection and Maintenance (I/M) program area, DEQ shall establish reciprocity provisions to ensure motor vehicle compliance with the other state's I/M requirements. Compliance with the other state's I/M program requirements is equivalent to the issuance of a Certificate of Compliance.

(2) For vehicles operated outside of the boundaries listed in 340-256-0370, but not within another Environmental Protection Agency approved Inspection and Maintenance (I/M) area, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to Oregon. Within 30 calendar days of the date the vehicle returns to Oregon it must comply with the Oregon I/M Program's test criteria, methods and standards.

(3) For vehicles operated in Oregon, but East of longitude line 121°W, DEQ shall issue a temporary exemption from Oregon I/M Program testing requirements until the vehicle returns to the registered address. Within 30 calendar days of the date the vehicle

returns to the registered address it must comply with the Oregon I/M Program's test criteria, methods and standards.

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

Statutory/Other Authority: ORS 468A.360

Statutes/Other Implemented: ORS 468A.360

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

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

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

340-256-0465

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

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

- (1) Making an automatic pass/fail decision based on malfunction indicator light observations and vehicle OBD system download;
- (2) Transferring electronic vehicle test result to the DEQ online computer servers ;

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

History:

DEQ 21-2020, amend filed 11/19/2020, effective 11/19/2020

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

340-256-0466

Emissions Control System Inspection: Test Equipment Criteria for Remote OBD Test Method

Devices used by participants in the remote OBD testing program must meet the following standards:

- (1) All devices that acquire and handheld data must be capable of electronically submitting data to the DEQ online computer servers either;
 - (a) Through the telematics device itself; or

(b) Through a data acquisition server; and

(2) Devices manufactured for the remote OBD test must comply with criteria listed in the Oregon DEQ Remote OBD Specification Document for Telematic Device Provided as of March 05, 2016

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0467

Remote OBD Testing Program: Requirements for Host Participation and Test Method in the Remote OBD Testing Program

(1) Eligibility: Host participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must have provided a commercially viable primary automotive service or automotive service – related product for at least 12-months. A person who proposes to operate solely as an emissions testing business is not eligible;

(b) Must be located in and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to filing the application, as provided in ORS 468.0066;

(d) Must not have committed any crimes or violated any state laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Host Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.006(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be host participants.

(4) Testing Procedures: Host participants must continuously meet the following program requirements:

(a) Host participants must continuously maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the host participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;

(e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,

(5) All communications with customer about the test must comply with the following:

(a) A host participant may not represent themselves or the testing devices as agents of the State of Oregon, DEQ, or the VIP program; and

(b) A host participant may not communicate whether the vehicle has passed or failed the test;

(6) Fees charged by Host Participants: Host participants may not request or require payment of fees for performing the Remote OBD testing other than as provided in this section. If a host participant charges such a fee, then the following are required:

(a) Host participants are prohibited from setting a fee to same dollar amount as a Clean Air Certificate in the respective regions as set in OAR 340-256-0320

(b) A statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: "DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ."

(c) On bills, receipts, or statements issued by the Host to the customer the Host must label the fee charged as "Third Party Fee".

(7) Record Keeping: host participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the host participant's application to DEQ to be approved as a host participant.

(8) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Host participants must provide all records described in section (7), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468.066 and 468A.380

340-256-0468

Emission Control System Inspection: Requirements for Dealership Participation in Remote OBD Testing Program

(1) Eligibility: Dealership participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must obtain and have current all required licenses to operate a dealership,

(b) Must be located in, and provide service within the state of Oregon;

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Dealership Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be Dealership participants.

(4) Testing Procedures: Dealership participants must continuously meet the following program requirements:

(a) Dealership participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the Dealership participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;

(e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,

(5) Record Keeping: Dealership participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(c) A copy of the dealership participant's application to DEQ to be approved as a Dealership participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Dealership participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

(7) Dealerships must additionally adhere to all requirements in 340-256-0467 if a Dealership participant intends to offer Remote OBD testing for the general public meaning cars not in their inventory,

(8) Fees charged by Dealerships: Dealership participants may not request or require payment of fees for performing the remote OBD testing other than as provided in this section. If a dealership participant charges such a fee, then the following are required:

(a) Dealership participants are prohibited from setting a fee to same dollar amount as a Clean Air Certificate in the respective regions as set in OAR 340-256-0320

(b) A statement, in clearly legible writing, must be included in the invoice or receipt provided to the customer: "DEQ does not require or charge any fees for testing via DEQ Too. The only fee required by the DEQ is the cost of the Clean Air Certificate. Any additional fees are at the discretion of the business conducting the emissions test and are not required by DEQ."

(c) On bills, receipts, or statements issued by the Dealership to the customer the Dealership must label the fee charged as "Third Party Fee".

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0469

Emission Control System Inspection: Requirements for Fleet Participation in Remote OBD Testing Program

(1) Eligibility: Fleet participants in the Remote OBD Testing Program must meet the following eligibility requirements:

(a) Must be the person or representative of person in ownership of vehicle fleet,

(b) Must be located in, and provide service within the state of Oregon; and

(c) Must be in compliance with environmental laws, and demonstrate a history of compliance with environmental quality laws during the 10-year period prior to apply to become a host participant, as provided in ORS 468.066;

(d) Must not have committed any crimes or violated any stat laws or rules, that included engagement in any fraudulent or deceptive activity; and

(e) Must have been issued, maintain and comply with all other applicable business licensing, registration, and permitting requirements.

(2) Application: A person who would like to participate as a Fleet Participant in the Remote OBD Testing program must submit an application to DEQ in the form and format required by the DEQ. All of the following information which must be marked as

confidential the applicant asserts that is not subject to disclosure under ORS 468.066(2)(b):

(a) A list of the applicant's current corporate officers, managers, members of the board of directors, general partners or other persons who exercise substantial control on behalf of or over the applicant;

(b) A list of:

(A) Parent corporations, or similar business entities, that exercise substantial control over the applicant; and

(B) subsidiary corporations, or similar business entities, over which the applicant exercises substantial control; and

(c) Notices or other documents stating that a person has violated the provisions or ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535 and 454.605 to 454.755 and ORS chapters 459, 459A, 465, 466, 468, 468A and 468B, any rule or standard adopted under those statutes or any order or permit issued by the department or the Environmental Quality Commission.

(3) Upon receipt of an application as described in section (2);

(a) DEQ will review the application to determine whether it is complete. DEQ will notify the applicant of its determination of completeness within 60 days of DEQ's receipt of the application, however, if DEQ does not notify the applicant of its completeness determination within 60 days of receipt then the application will be deemed denied;

(b) DEQ may request supplemental information in writing before making a final determination of completeness. If DEQ requests supplemental information, the applicant must provide the information to the DEQ within 30 calendar days of the date of DEQ's request. If the applicant does not provide the supplemental information by that deadline, the application will be deemed denied. DEQ will again review the application to determine whether it is complete as provided in subsection (a), and the date that DEQ receives the supplemental information will be deemed the new application submittal date; and

(c) DEQ will review complete applications to determine whether the applicant meets the eligibility criteria in section (1). Applicants that meet that criteria will be approved to be fleet participants.

(4) Testing Procedures: Fleet participants must continuously meet the following program requirements:

(a) Fleet participants must maintain compliance with the eligibility requirements described in section (1).

(b) All remote OBD testing must be done with equipment that is leased or owned by the fleet participant;

(c) all leased or owned equipment used for remote OBD testing must meet the standards established in OAR 340-256-0466.

(d) Vehicles with observable coolant, oil or fuel leaks or any other such defect that make conducting the emission test unsafe, must be rejected from the testing area;

(e) Emissions test of light-duty motor vehicles may only be conducted on vehicles that are model year 2005 and newer model years;

(f) Emissions test of heavy-duty gasoline vehicles may only be conducted on vehicles that are:

(A) Model year 2013 and newer model years; and

(B) Equipped with an OBD-II compliant or newer OBD system;

(g) Emissions test may only be conducted on vehicles with a properly affixed and readable VIN; and

(h) Emissions tests may only be conducted if a vehicle's OBD system matches the original manufacturer's information and communicates with the participant's OBD analytical equipment, and;

(A) All 2005 and subsequent model year light-duty vehicles must have the VIN included in the vehicle OBD information and;

(B) All 2013 and subsequent model year heavy-duty vehicles must have the VIN included in the vehicle OBD information,

(5) Record Keeping: fleet participants in the remote OBD testing program must keep a record of:

(a) All devices used for testing and the manufacturing information for each device used;

(b) A copy of the fleet participant's application to DEQ to be approved as a fleet participant.

(6) DEQ may audit participants in the remote OBD testing program to ensure testing method and recordkeeping compliance. Fleet participants must provide all records described in section (5), and all other relevant information, as requested by DEQ, and must cooperate fully with DEQ's audit.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380

340-256-0471

Violations and Disqualification from Participation in Remote OBD Testing Program

(1) Any violation of the requirements to comply with OAR 340-256-0467 by a host participant, OAR 340-256-0468 dealership participant, or OAR 340-256-0469 fleet participant in the Remote OBD Testing Program is subject to enforcement as provided in this rule.

(2) A violation described in section (1) is subject to DEQ taking any of the following enforcement actions:

(a) A proposed order assessing civil penalties as provided under OAR chapter 340, division 12;

(b) A proposed order disqualifying the person from participation in the Remote OBD Testing Program; and

(c) If DEQ finds a serious danger to the public health or safety would result from continued participation in the Remote OBD Testing Program, DEQ may issue a final order immediately suspending the person's authorization to participate in the Remote OBD Testing Program.

(3) Orders may be challenged based on the following provisions;

(a) A person who receives a proposed order described in section (2)(a) may request a hearing to challenge the order no later than 20 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(b) A person who receives a proposed order described in section (2)(b) may request a hearing to challenge the order no later than 60 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11. If a hearing is not requested, the proposed order(s) will become a final order by operation of law 20 days after the proposed order is issued.

(c) A person who receives a final order described in section (2)(c) may request a hearing to challenge the order no later than 90 days after the proposed order is issued. The hearing will be conducted as a contested case hearing as provided in ORS 183.413 through 183.470 and OAR chapter 340, division 11.

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

Statutory/Other Authority: ORS 468A.380

Statutes/Other Implemented: ORS 468A.380