ALBUQUERQUE/BERNALILLO COUNTY

VEHICLE POLLUTION MANAGEMENT PROGRAM

# PROCEDURES MANUAL
# &
# PART 100 (Amended 8/1/97)

**Albuquerque Environmental Health Department**
**Vehicle Pollution Management Division**
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**ALBUQUERQUE/BERNALILLO COUNTY**
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Revised 1/95

**TABLE OF CONTENTS**


| SECTION | TITLE | PAGE NO. |
|---|---|---|
| **1.** | **GENERAL INTRODUCTION** | 1 |
| 1.1 | Rationale for Emissions Testing | 1 |
| 1.2 | Program Administration and Enforcement | 2 |
| 1.2.1 | VPM Program Manager and VPM Program | 2 |
| 1.2.2 | Powers of the Program Manager | 3 |
| 1.2.3 | Certification, Monitoring and Enforcement | 3 |
| 1.2.4 | Program Evaluation | 4 |
| 1.2.5 | Public Information | 6 |
| 1.2.6 | Disputes and Complaints | 6 |
| 1.2.7 | Fees | 6 |
| 1.2.8 | Certificates of Vehicle Inspection (VIRs) | 7 |
| 1.3 | Applicable Statutes/Regulations for Bernalillo County/City of Albuquerque | 7 |
| 1.4 | General VPM Program Requirements | 11 |
| 1.4.1 | Vehicles Requiring Inspection | 11 |
| 1.4.1.1 | Vehicles Exempt From Inspection | 12 |
| 1.4.1.2 | Program Area | 13 |
| 1.4.1.3 | Frequency of Inspection | 14 |
| 1.4.2 | Initial Inspection | 14 |
| 1.4.2.1 | NON-EXEMPT Vehicle Owner Responsibilities | 15 |
| 1.4.2.2 | Initial Inspection PASS/FAIL/INVALIDS | 16 |
| 1.4.2.3 | Repairs | 17 |
| 1.4.3 | Reinspection | 17 |
| 1.4.4 | Exemptions | 18 |
| **2.** | **CERTIFICATION AND TRAINING REQUIREMENTS** | 20 |
| 2.1 | Station Certification | 20 |
| 2.1.1 | Requirements for Station Certification | 21 |
| 2.1.2 | Procedures for a Certified AIR CARE Station | 24 |
| 2.1.3 | Emissions Inspection-only AIR CARE Stations | 25 |
| 2.1.4 | VPM Fleet AIR CARE Stations | 25 |
| 2.2 | AIR CARE Inspector Certification and Training | 26 |
| 2.2.1 | AIR CARE Inspector Certification | 26 |
| 2.2.2 | Performance of AIR CARE Inspectors | 29 |
| 2.3 | AIR CARE Technician Certification and Training | 30 |
| 2.3.1 | AIR CARE Technician Certification | 30 |
| 2.3.2 | Performance of AIR CARE Technicians | 32 |
| 2.4 | Fees, Expiration and Renewal | 32 |
| 2.4.1 | Fees | 32 |
| 2.4.2 | Certification Expiration | 33 |
| 2.4.3 | Certification Renewal | 33 |

| | | |
|---|---|---|
| **3.** | **AIR CARE STATION PROGRAM REQUIREMENTS** | 34 |
| 3.1 | Checklist of Requirements | 34 |
| 3.1.1 | Sign Posting | 37 |
| 3.1.2 | Minimum Equipment and Facilities Requirements | 40 |
| 3.1.3 | Operation of the Vehicle Exhaust Gas Analyzer | 46 |
| 3.1.4 | Use of Vehicle Inspection Report (VIR) | 48 |
| **4.** | **GENERAL INFORMATION - VISUAL INSPECTIONS AND EMISSIONS TEST** | 50 |
| 4.1 | Inspection Checklist | 51 |
| 4.1.1 | Customer Consent to Vehicle Test | 52 |
| 4.1.2 | Preliminary Inspection | 53 |
| 4.1.3 | Identification of Emission Control System | 55 |
| 4.1.4 | Log On To Vehicle Exhaust Gas Analyzer (VEGAS) | 57 |
| 4.1.5 | Visual Inspection | 58 |
| 4.1.6 | Visible Smoke | 60 |
| 4.1.7 | Two-Part Emissions Test | 60 |
| 4.1.8 | Test Completion | 63 |
| 4.1.9 | Vehicle Inspection Report (VIR) Interpretation and Distribution | 64 |
| 4.1.9.1 | Vehicle PASSED | 65 |
| 4.1.9.2 | Vehicle FAILED | 65 |
| 4.1.9.3 | Vehicle Test INVALID | 66 |
| 4.2 | FAILED Vehicle Repair Options | 66 |
| 4.2.1 | FAILED Vehicle Retest | 67 |
| 4.2.1.1 | Vehicle PASSED On Retest | 67 |
| 4.2.1.2 | Vehicle FAILED On Retest | 68 |
| 4.2.2 | Non-Compliance for Vehicles Failing the Retest | 68 |
| 4.2.3 | Time Extensions for Repairs | 69 |
| 4.3 | Scheduling of Tests | 71 |
| 4.3.1 | Vehicles Unavailable for Testing | 71 |
| 4.4 | Records, Data Entry Forms, and Reports | 72 |
| 4.4.1 | Records | 72 |
| 4.4.2 | Vehicle Data Entry Forms | 72 |
| 4.4.3 | Reports | 73 |
| **5.** | **GENERAL INTRODUCTION-FIELD AUDIT PROCEDURES** | 73 |
| 5.1 | Purposes of Auditing | 74 |
| 5.2 | Description of Audit Procedures | 74 |
| 5.2.1 | Inspection Procedures and Materials Audit | 75 |
| 5.2.2 | Recordkeeping and Data Audit | 79 |
| 5.3 | Analyzer Accuracy | 82 |
| 5.3.1 | Reference Gas Method | 83 |
| 5.4 | Surveillance (COVERT AUDITS) | 85 |
| 5.4.1 | Surveillance (REMOTE AUDITS) | 86 |
| 5.4.2 | Covert Vehicles | 86 |
| 5.4.3 | Personnel | 88 |
| 5.4.4 | Station Selection | 89 |
| **6.** | **PENALTIES** | 89 |
| 6.1 | General | 89 |
| 6.2 | AIR CARE Stations | 90 |
| 6.3 | AIR CARE Inspectors/AIR CARE Technicians | 92 |
| 6.4 | Motorists | 94 |
| 6.5 | Conferences and Settlement Agreements | 95 |
| 6.6 | Administrative Hearings/Procedures | 96 |

6.7 Categories of Violations and Infractions..... 99
6.7.1 Assignment of Points..... 103
6.7.2 Patterns of Violations..... 103
6.7.3 Appeals..... 104
6.7.4 Savings Clause..... 104
6.7.5 Severability..... 105
6.7.6 Effective Date of Procedures Manual Amendments... 105
Appendix A .....Attached

# 1. GENERAL INTRODUCTION

## 1.1 Rationale for Emissions Testing

In order to improve and maintain high quality air standards, the Albuquerque/Bernalillo County Air Quality Control Board (Board) has issued regulations requiring the development of a Vehicle Pollution Management Program to be administered for certain motor vehicles registered in Bernalillo County. The Program is intended to provide for the control and regulation of carbon monoxide and hydrocarbon emissions above certain levels from motor vehicles. This document has been prepared to delineate the rules, regulations and procedures for the Vehicle Pollution Management Program (hereafter referred to as the VPM Program or Program) for Albuquerque/Bernalillo County. It is everyone's responsibility to help ensure clean and safe air, and the Program Manager encourages all AIR CARE inspectors, AIR CARE Stations, AIR CARE technicians and other personnel to conduct their business with this goal in mind.

The VPM Program requires that all cars and trucks model year 1975 and newer be inspected every other year at an AIR CARE Station. A vehicle which cannot pass the required standards for the emissions test must be repaired and retested at an AIR CARE Station or the Program Headquarters before the owner can renew the vehicle's state

registration. The Program may issue time extensions for repairs which will allow for the renewal of registration. The specific regulations regarding AIR CARE inspectors, AIR CARE technicians and AIR CARE Stations, equipment, fees, time limits, exemptions, appeals process and penalties, are explained in detail in other sections of this document, the Albuquerque/Bernalillo County Vehicle Pollution Management Program Procedures Manual, as authorized by Board Regulation 28.03.A. The definitions used in Regulation 28 are incorporated by reference into this Procedures Manual.

The Environmental Protection Agency (EPA) is responsible for the approval of the plan and procedures for the Albuquerque/Bernalillo County VPM Program.

## 1.2 Program Administration and Enforcement

### 1.2.1 VPM Program Manager and Vehicle Pollution Management Program

The Program Manager is a classified City employee selected to perform those duties required to enforce and administer the VPM Program in accordance with the regulations approved by the Board. The Program Manager and staff are a part of the Vehicle Pollution Management Division (Division or VPMD) within the Albuquerque Environmental Health Department.

### 1.2.2 Powers of the Program Manager

The VPM Program Manager is empowered by the Board and City of Albuquerque/Bernalillo County ordinances to enforce Board Regulation 28 and this Procedures Manual.

### 1.2.3 Certification, Monitoring and Enforcement

The VPM Program Manager is responsible for the training, certification and auditing of AIR CARE inspectors and AIR CARE technicians as well as certification and monitoring of AIR CARE Stations, and required equipment as described in Section 2 of this Procedures Manual.

The Division must keep up-to-date records of all AIR CARE Stations and make this information available to the public. The Program Manager will keep this VPM Procedures Manual updated and provide notice to all users regarding revisions, amendments, and modifications. The Procedures Manual users are responsible for obtaining and incorporating all changes as made available by the Program Manager.

The Division will make available to the public a list of vendors who market vehicle exhaust gas analyzers systems (VEGAS) which meet specifications established by the Program Manager.

Notice of all certification training courses, their schedules and locations, are made available to the public by the Division.

The Program Manager shall order, at least on a quarterly basis, quality assurance audits of each AIR CARE Station and the VEGAS. These audits shall be accomplished in accordance with quality assurance audit standards and procedures (Section 5). The audits can be announced or unannounced. The Division will also send vehicles through AIR CARE Stations for audit purposes, with or without presenting official credentials. The results of these audits will provide information for assessing performance of AIR CARE Stations and their adherence to the requirements of Regulation 28 and the VPM Procedures Manual.

After a reasonable investigation of possible violations, the Program Manager is authorized to take disciplinary actions, including one or all of the following: monetary penalties, suspension of certification or revocation of certification. Depending on the severity of the violation, the Program Manager may immediately suspend or revoke a certification or may choose to defer action pending a hearing. The decision of the Program Manager may be appealed to the Board, whose decision shall be final. (See Section 6.5 for specific procedures.)

### 1.2.4 Program Evaluation

The Division shall maintain up-to-date records on vehicle inspections and submit them on a regular basis to the EPA for review

and evaluation. Data shall be collected on a regular basis regarding:

(a) number of vehicles required to be inspected based on vehicle type, age, fuel type, etc.;

(b) number of vehicles receiving initial inspection;

(c) number of vehicles passing retest after maintenance;

(d) number of AIR CARE Station certifications (including AIR CARE inspection stations, fleet AIR CARE Stations, AIR CARE inspectors and AIR CARE technicians) outstanding at the end of the reporting period;

(e) number and amounts of monetary penalties assessed and the number of AIR CARE Station certifications or AIR CARE inspector and technician certifications suspended or revoked during the reporting period.

The Program Manager must submit an annual report to the Board and the EPA evaluating the effectiveness and enforcement of the VPM Program and how it is contributing to reasonable further progress per EPA requirements.

### 1.2.5 Public Information

The Division prepares information materials such as posters, brochures and media advertising to inform the public about the regulations of the VPM Program and keep the public updated. Such materials specify actions required for compliance, as well as any Program changes or modifications which affect the public.

### 1.2.6 Disputes and Complaints

The VPM Headquarters is authorized to provide for mediation of disputes arising from inspection or repair activities by AIR CARE Stations, AIR CARE inspectors, or AIR CARE technicians. The Headquarters will also investigate and maintain records of complaints against any of the above certified individuals. The Program Manager will use these records and other collected data to make decisions regarding monetary penalties, suspensions or revocations of certifications.

### 1.2.7 Fees

Funding for the VPM Program is provided through a Special Fund set up by the City Treasurer's Office. All fees owed to the City by AIR CARE Stations, inspectors, or technicians shall be paid to the City Treasurer's office. These fees include the charge for issuance of annual certificates as well as the fees owed for purchase of official VIR certificates.

### 1.2.8 Certificates of Vehicle Inspection (VIRs)

The AIR CARE Stations must use officially authorized, non-reproducible paper when printing out the Vehicle Inspection Report (VIR) from the VEGAS, which, when signed by the AIR CARE inspector, shall be certification of inspection for the vehicle. These VIR forms must be acquired from the VPM Headquarters and are not transferable between AIR CARE Stations. All unused VIRs which an AIR CARE Station does not intend to use must be returned to the Headquarters for a refund, as appropriate. A VIR is a legal document, is nontransferable and must be presented to the Motor Vehicle Division (MVD) of the State Taxation and Revenue Department in order to renew the registration of a vehicle.

## 1.3 Applicable Statutes/Regulations for Bernalillo County/City of Albuquerque

In order to regulate the levels of carbon monoxide and hydrocarbon emissions from motor vehicles, and to prevent tampering with emission systems, the Board has established Regulation 28, Motor Vehicle Inspection. Under this regulation, an inspection Program has been designed and implemented to assure continued compliance with the EPA's air quality standards as defined by the Federal Clean Air Act. Pursuant to provisions of the Federal Clean Air Act, as amended, the City of Albuquerque and Bernalillo County

risk sanctions imposed by the EPA against the construction of new industries, and EPA restrictions on the use of certain highway and public works project funds as a result of prior exceedences of the federal standards for carbon monoxide (CO). The City and County have been in compliance with the CO standards for three consecutive years, as of December 31, 1994. The VPM Program, along with other air quality programs, is designed to maintain compliance. The Program also complies with various City and County ordinances.

In accordance with the VPM Program, all non-diesel and non electric motor vehicles of model year 1975 and newer, which are owned or operated by a resident of Bernalillo County and registered with the State of New Mexico MVD, shall be inspected and certified biennially or upon change in ownership, whichever occurs first. In addition, all subject vehicles operated on federal installations, regardless of place of registration, and all fleet vehicles primarily operated in Bernalillo County must comply with the Program.

As defined by Regulation 28 and used in this Procedures Manual, a "motor vehicle" or "vehicle" subject to the Program refers to any vehicle which:

(a) is propelled by a spark ignition, internal combustion engine;

(b) has four or more wheels in contact with the ground;

(c) is subject to registration with the New Mexico Motor Vehicle Division to an owner of record who is domiciled within Bernalillo County, or is a government vehicle which is assigned to a governmental unit within Bernalillo County;

(d) has a gross vehicle weight (GVW) of less than 26,000 pounds and greater than 1000 pounds;

(e) is for use upon public roads and highways;

(f) is a 1975 model year or newer; and

(g) is a vehicle not otherwise exempted.

Motor vehicle inspection notices are sent with MVD registration renewal notices. AIR CARE inspectors shall perform inspections at AIR CARE Stations, using an approved VEGAS to determine a motor vehicle's emissions rates. The VEGAS must meet the specifications required by the Program Manager.

Acceptable emissions rates of carbon monoxide and hydrocarbons are determined by model year and weight classification of each vehicle (see Appendix A). The criteria for these emission rates will be reviewed annually by the Board. An eligible motor vehicle with an emissions rate equal to or lower than those specified, and complying with the requirements of the visual and the visible smoke

inspections, will receive a "PASS" Vehicle Inspection Report (VIR), which shall be presented by the owner to the MVD upon registration of the vehicle. Any eligible motor vehicle found to have an emissions rate exceeding the rate specified, or not complying with the requirements of the visual and the visible smoke inspections shall receive a "FAIL" VIR. The vehicle shall be reinspected after appropriate maintenance or repairs have been completed. Only vehicles that have met the conditions listed in Section 4.2.3 may qualify for a time extension should they fail a retest.

Regulation 28, Motor Vehicle Inspection, will be actively enforced. To comply with the inspection Program, all AIR CARE Stations, inspectors, and technicians shall adhere strictly to the guidelines established by the VPM Procedures Manual. Any person who violates: a) any Program-related provision of the New Mexico Air Quality Control Act; b) any Regulation of the Board; c) any provision of this Procedures Manual; or d) as applicable, any provision of either the City of Albuquerque Joint Air Quality Control Board Ordinance (9-5-1-1 et seq. ROA 1994) or the Bernalillo County Joint Air Quality Control Board Ordinance (Ord. No. 94-5) shall be subject to the civil, criminal and equitable remedies provided by the applicable law.

## 1.4 General Vehicle Pollution Management Program (VPM) Requirements

Only AIR CARE Stations or the VPM Headquarters are authorized to conduct motor vehicle emissions inspections in Bernalillo County. Owners of vehicles required to be inspected will be issued a Vehicle Inspection Report (VIR) only from AIR CARE Stations or as otherwise authorized by the VPM Headquarters, and only after successfully meeting the Program requirements specified herein.

### 1.4.1 Vehicles Requiring Inspection

Residents of Bernalillo County who are owners of registered, model year 1975 and newer motor vehicles are required to have their vehicles inspected for emissions biennially. These vehicles will be referred to as NON-EXEMPT and include the following:

(a) privately owned passenger automobiles, trucks, and recreational vehicles.

(b) governmental vehicles owned and operated in Bernalillo County, including vehicles which are owned by private entities which work with or for governmental entities, such as fire trucks, garbage trucks, ambulances or paramedic vehicles, police vehicles, school buses, etc.

Vehicles must also be inspected upon transfer of ownership between owners. Vehicles inspected within ninety (90) days of transfer of ownership may receive a free re-test at VPMD Headquarters upon presentation to the Headquarters of the vehicle owner's portion of the most recent VIR.

In addition to motor vehicles registered in Bernalillo County, the following vehicles are required to comply with the provisions of Regulation 28 and this Procedures Manual.

(a) commercial (business) vehicles or fleets which are primarily operated in Bernalillo County, regardless of place of registration.

(b) Vehicles which are operated on Federal installations located within Bernalillo County regardless of whether the vehicles are registered within Bernalillo County.

**1.4.1.1 <u>Vehicles Exempt From Inspection</u>**

The requirement of biennial vehicle inspection does not apply to the vehicles that will be designated as EXEMPT. The following are EXEMPT vehicles:

(a) any 1974 or older model year vehicle;

(b) vehicles owned or operated by the Armed Forces of the United States, or by the National Guard of the

State of New Mexico, which are uniquely military in nature, and which have been exempted from compliance by the President of the United States, pursuant to Section 118(b) of the Federal Clean Air Act;

(c) new vehicles, until second registration or change in owner, whichever occurs first;

(d) motorcycles, mopeds, golf carts, go-carts, recreational-cycles;

(e) vehicles under 1,001 lbs. and over 25,999 lbs.;

(f) vehicles defined as implements of husbandry.

1.4.1.2 **Program Area**

NON-EXEMPT vehicles required to be inspected per Section 1.4.1, and used in the urban and rural areas of Bernalillo County, including but not limited to:

| | |
|---|---|
| Alameda | Kirtland Air Force Base |
| Albuquerque | Laguna Pueblo |
| Armijo | Los Padillas |
| Canoncito Navajo Indian Reservation | Miera |
| Cedar Crest | Mountainview |
| Chilili | Pajarito |
| Cibola | Paradise Hills |

| | |
|---|---|
| Cibola National Forest | San Antonio |
| Escobosa | Sandia Park |
| Isleta Pueblo | Sandia Pueblo |
| Tijeras | Sedillo |

1.4.1.3 **Frequency of Inspection**

Every other year, beginning 1989, the MVD will send notices of inspection to owners of NON-EXEMPT vehicles approximately sixty (60) days prior to registration. The owners of vehicles subject to inspection must have a PASS VIR or Program-authorized time extension prior to registration.

1.4.2 **Initial Inspection**

NON-EXEMPT vehicles requiring a VIR shall be inspected only by AIR CARE inspectors at AIR CARE Stations. After initial inspection, vehicles may be retested at no cost at the VPM Headquarters. Such retests at the Headquarters may be for purposes of verification of an initial test (PASS OR FAIL), to obtain a time extension certificate, or to arbitrate a dispute arising from an initial or retest inspection. Other special cases for vehicle inspection at the VPM Headquarters may include the following:

(a) the GVW of the vehicle exceeds 25,999 or is less than 1001;

(b) the vehicle is diesel or electric powered.

Each inspection shall be complete and shall be performed only by AIR CARE inspectors or Headquarters staff and shall consist of all items specified in Section 4.1. The inspection fee charged the vehicle owner shall be prominently displayed and shall be visible from the street or from the vehicle immediately after it is driven into the AIR CARE Station.

Certified commercial and government fleet AIR CARE stations may inspect only those vehicles that are owned by the business or government entity in whose name the fleet AIR CARE station certification is issued. These Fleet AIR CARE stations shall not inspect personal vehicles or those of officers, employees, or the general public, unless the vehicle is registered or leased in the business's or government entity's name. The rule requiring inspection of private vehicles by a non-fleet AIR CARE station applies even though the private vehicle(s) may be used on behalf of the business or governmental entity.

**1.4.2.1 <u>NON-EXEMPT Vehicle Owner Responsibilities</u>**

Vehicle owners participating in vehicle inspection shall ensure that the vehicle being submitted for inspection is "testable." That is, the vehicle shall be mechanically safe and sound. For example, fuel leaks, or "jury-rigged" exhaust piping, etc., will automatically invalidate and stop the testing process. Vehicles

which do not meet RPM or dilution standards will be deemed "untestable." The AIR CARE inspector shall inform the vehicle owner or driver of the circumstances and the repairs necessary to correct the deficiency, if known. Vehicles deemed untestable are not considered failed vehicles; however, the appropriate repairs must be made so that the vehicle can be inspected.

The required repairs may be performed by any party the vehicle owner chooses. The repairs may also be performed by the vehicle owner.

**1.4.2.2 Initial Inspection - PASS/FAIL/INVALID**

Testable vehicles which pass the inspection will be issued a "PASS" VIR. Owners of testable vehicles that fail the inspection shall be provided a printed copy of the "FAIL" VIR, which documents the reasons for failure. The AIR CARE inspector shall advise the owner or driver of the circumstances and the repairs required, if known. The vehicle shall be retested after the necessary repairs are completed.

All owners of vehicles inspected at AIR CARE Stations shall be issued a VIR indicating whether the vehicle passed or failed.

Vehicles which produce an "INVALID" VIR for erratic RPM's or exhaust dilution must be repaired before a valid test may be performed. An AIR CARE Station may not charge for INVALID tests.

**1.4.2.3 Repairs**

Owners of failed or rejected vehicles will determine the party or parties who will make the necessary repairs; the vehicle owner may do the repairs.

The AIR CARE Station shall not, in any manner, attempt to require subject vehicle owners to have vehicles which have received a FAIL VIR repaired at the AIR CARE Station. Any and all repairs must be specifically authorized by the vehicle owner before being made by any inspection station.

Subject vehicle owners have the right to request and receive from technicians legitimate estimates of the cost of parts and labor necessary to accomplish recommended repairs.

**1.4.3 Reinspection**

An owner of a rejected or failed vehicle must have the vehicle repaired, if necessary, before submitting the vehicle for a retest in an effort to receive a PASS VIR.

If the rejected or failed vehicle is presented to the same or a different AIR CARE Station for reinspection, the vehicle will be handled as a retest and the vehicle owner must pay any inspection fee.

### 1.4.4 Exemptions

(a) Diesel or electric powered vehicles - no diesel or electric powered vehicle shall be inspected for emissions defects until such time as the Board determines that such inspections are necessary and feasible and the applicable Board regulation and Procedures Manual are amended consistent with that decision. Until emissions inspections are required for diesel or electric vehicles, these vehicles must be taken to the VPM Headquarters for inspection to verify that the vehicle is powered by a diesel or electric engine. An inspection for visible smoke will be performed on the diesel vehicles by VPM staff certified smoke readers. If the opacity of any smoke exceeds the limits of Board Regulation 30, a time extension will be issued in lieu of an exemption, and appropriate repairs required. Owners of vehicles which are within the visible smoke limits of Regulation 30 will be issued a Certificate of Exemption.

(b) Special Circumstances - When a submitted vehicle is legally imported by an individual, it must be inspected in accordance with the standards applicable to vehicles imported by the manufacturer for that year. If a vehicle is custom manufactured it must meet the standards applicable to the manufacturer of its

engine. If the engine was manufactured before 1975, the vehicle shall be exempted after verification at the Headquarters. Custom and imported vehicles may be eligible for waivers of certain requirements and should be brought to the Headquarters for verification of special circumstances. In the case of an imported vehicle, the owner may be required to provide a letter from the EPA, stating that the vehicle has been legally imported and brought up to EPA standards.

The owner of an imported vehicle may petition the Program Manager for a time extension. The petition must include the following information:

- Vehicle Identification Number (VIN)
- model year and manufacturer
- drivers license number of owner
- identification of where the retest, tuneup, and/or determination of vehicle condition was made.

If the vehicle is unable to pass the exhaust cutpoints, the owner requesting the extension must provide documentation that a low emissions tune up was performed to the extent possible considering engine condition.

(c) Engine Replacements - Vehicles which have had the original engine removed and replaced may be eligible for a waiver to comply

with portions of the visual inspection. (See section 4.1.5.)

(d) Kit Cars - Assembled vehicles or kit cars shall meet the standards and emission control equipment requirement for the year of the engine. If the engine was manufactured prior to 1975, testing is not required. The motorist must present the vehicle at the Headquarters and petition for an exemption. The Program Manager shall require information which is necessary to verify the date of engine manufacture to the satisfaction of the Program Manager.

## 2. CERTIFICATION AND TRAINING REQUIREMENTS

Anyone who wishes to own or operate an AIR CARE Station, or who would like to become an AIR CARE inspector or an AIR CARE technician shall comply with the guidelines and procedures described in this section. Upon completion of the listed requirements, the Program Manager may award certification.

### 2.1 Station Certification

A person may be certified to own or operate an AIR CARE Station in Bernalillo County by requesting certification, filing the necessary forms with the Program Manager and meeting all applicable Program requirements. The forms are available upon request from Vehicle Pollution Management (VPM) Headquarters.

### 2.1.1 Requirements for Station Certification

(a) At least one AIR CARE inspector shall be available to conduct all motor vehicle inspections. No inspection shall be performed in whole or in part by any person other than an AIR CARE inspector.

If an AIR CARE inspector's working hours differ from the AIR CARE Station's business hours, then a sign stating the inspector's times of availability for making inspections shall be posted.

(b) The AIR CARE Station shall own or lease at least one approved VEGAS, which shall operate within equipment specifications. Minimum requirements for the VEGAS include computer-controlled logic and automatic data collection.

An AIR CARE inspector will be responsible for maintenance and installation of operator-replaceable parts of the approved VEGAS.

(c) The AIR CARE Station shall take affirmative action to assure that the wait time for inspections is minimized. Any repair work being performed in the inspection area must be ceased immediately to accommodate vehicles presented for inspection.

(d) AIR CARE Stations shall also have:

- Sufficient hand tools for proper performance of inspections, adjustments and emissions-related repairs.

- Reference manuals such as Cascade or Mitchell Manuals and any others deemed appropriate by the Program Manager.
- Approved lists of aftermarket parts as provided by the Program Manager.
- Division-approved span gas and compatible equipment for performing gas span checks.
- Suitable nonreactive tail pipe extenders or probe adapters for inspecting vehicles with screened or baffled exhaust systems or dual exhaust systems.
- Approved and updated VEGAS, with the manufacturer's maintenance and calibration manual on premises.
- Other required equipment.
- Necessary adapters to obtain RPM readings from QUAD4's, distributorless (DIS), or other new technology ignitions.

(e) The inspection fee charged by the AIR CARE Station shall be prominently displayed on an interior sign meeting the Program's requirements, and furnished by the VPM Division.

(f) An AIR CARE Station shall post a sign in a conspicuous location on the exterior of the station indicating the fee charged for inspections. The sign shall meet the uniform format and style

requirements established by the Division. The sign shall be visible from the street or from the vehicle immediately after it is driven into the AIR CARE Station.

(g) An AIR CARE Station shall perform repairs ONLY on those vehicles for which it has adequate reference manuals and basic emissions adjustment information. Any vehicle accepted for repair shall be one for which the station has adequate information regarding:

- -idle speed
- -idle mixture
- -timing
- -dwell
- -fast idle speed specifications
- -high altitude specifications
- -description of emissions control systems
- -diagnostic and repair procedures, if normally available in trade.

(h) AIR CARE Stations offering adjustments and repairs on any vehicle having undergone an emissions inspection through the VPM Program shall inform the motorist that said adjustments and repairs may be performed by someone other than an AIR CARE technician.

### 2.1.2 Procedures for an AIR CARE Station

(a) A valid AIR CARE Station certificate, and the certificates of all AIR CARE inspectors and/or technicians affiliated with the station, must be prominently displayed where they are visible to the public so the station can be recognized as an AIR CARE Station. Any AIR CARE Station that has its certification permanently or temporarily suspended shall immediately cease to indicate or advertise that it is certified, and shall remove any and all inspection-related signs.

(b) It is the responsibility of the owner or operator of an AIR CARE Station to submit notice to the Program Manager of any and all changes which will affect the station's certification. Changes of business name, location, ownership, official inspection personnel, or in approved gas analyzers VEGAS require that the Program Manager be notified within ten (10) calendar days of such changes. Failure to provide notice is sufficient cause for a station's certification to be revoked. Relocation of an AIR CARE Station will automatically terminate a valid station certification.

(c) The Program Manager will authorize unscheduled, unannounced audits of any AIR CARE Station by VPM Headquarters auditors as deemed necessary by the Program Manager. The auditors shall offer proper credentials at the time of such inspections,

unless a covert audit is being conducted. The Program Manager also will authorize covert inspections at unannounced times; such covert inspections will be performed by presenting vehicles at AIR CARE Stations in order to determine station performance.

### 2.1.3 Emissions Inspection-only Stations

Such stations, as certified by the Program Manager, shall indicate by a prominently placed, appropriately formatted sign that no emissions-related adjustments or repairs are available. Emissions inspection-only stations are subject to the same guidelines regulating full-service AIR CARE Stations, except those pertaining to repairs.

### 2.1.4 VPM Fleet AIR CARE Stations

Fleet AIR CARE stations inspect fleets of vehicles which are company or government-owned. These stations shall not offer vehicle inspections to employees or to the general public. Fleet inspection stations shall be subject to the same guidelines as other AIR CARE inspection stations, with the exception of the sign requirements listed in Section 2.1.1 (a), (e) and (f). The annual fee for certification of a fleet AIR CARE station is the same as for a non-fleet AIR CARE inspection station.

Nevertheless, any person in charge of a fleet need not use a fleet AIR CARE station to have its motor vehicles inspected, but

instead may use any AIR CARE inspection station.

## 2.2 Inspector Certification and Training

Anyone may apply to become an AIR CARE inspector by filing the necessary forms with the Program Manager and meeting all applicable Program requirements. The forms are available upon request from the VPM Headquarters.

### 2.2.1 AIR CARE Inspector Certification

Certification may be granted after the applicant has met all Program requirements, taken the approved training course, attained a passing score on a test administered by the Division, and paid the appropriate fee. The training and tests will be scheduled at a time and place deemed appropriate by the Program Manager, to be announced at a reasonable time prior to the test. The test results will be announced no more than thirty (30) days after the test is taken. The applicant will be a certified AIR CARE inspector only after the applicant has met all Program requirements, received a certificate issued by the Division, and been given an access code by VPMD to perform official tests. For further information, contact the Headquarters.

Knowledge and skills to be tested include:

(a) Basic purpose and operation of emissions control systems.

(b) Relation of hydrocarbons and carbon monoxide to timing and air/fuel ratio control.

(c) Rules and regulations described in the VPM Procedures Manual which pertain to inspections.

(d) General understanding of the Defect Warranty Provisions of Section 207(a) and the Performance Warranty Provisions of Section 207(b) of the Federal Clean Air Act in relation to the inspection, and the benefits therein to vehicle owners.

(e) Ability to recognize by visual inspection the emissions control equipment for 1975 and newer vehicles, and to distinguish between required equipment and equipment not necessarily involved with this Program.

(f) Proper use, care, maintenance and gas span checking (calibration) of the approved VEGAS.

(g) Proper use and distribution of inspection forms, VIR'S, and supplemental documents.

(h) Calibration of instruments.

(i) Knowledge of the Division's auditing procedures.

(j) Knowledge of personal and customer safety.

(k) Knowledge of recertification procedures.

(l) Knowledge of Notices of Violation, point system, and enforcement procedures.

(m) Knowledge of auditing and recordkeeping procedures to be performed at AIR CARE Stations.

(n) Other information, required by the Program Manager, such as stocking and distributing current handouts, newsletters, and other information provided by VPMD.

Each AIR CARE inspector shall be assigned a personal identification number by the Division in order to correlate data audits with the Vehicle Pollution Management Program, and to assist in the Program's quality assurance. No one shall claim AIR CARE inspector status without possessing a valid certification.

AIR CARE inspectors will notify the Program Manager within ten (10) calendar days of any change in legal name, employment status, or current mailing address. Failure to keep the Program Manager informed may be cause for certificate revocation.

Each AIR CARE inspector will be required to attend a re-certification class annually. Notice will be provided to each certificate holder, at his or her place of employment (AIR CARE Station), approximately sixty (60) days prior to the expiration of

the certificate. The notice will include a schedule of classes and registration instructions. Failure to attend and pass the class will result in non-issuance of a subsequent certificate. If no certificate is issued, the inspector must reapply and comply with the requirements for initial certification.

### 2.2.2 Performance of AIR CARE Inspectors

AIR CARE inspectors shall observe the official procedures of the VPM Procedures Manual and uphold the regulations established by the Albuquerque/Bernalillo County Air Quality Control Board (Board) and the Program Manager. An AIR CARE inspector will:

(a) Never allow another person to use the inspector's certificate or personal identification number to enter into an approved VEGAS.

(b) Never delegate authority to another person to perform any part of an official Program inspection under the inspector's name or identification number.

(c) Refuse to inspect any vehicle if an inspection would be hazardous to any person's safety.

(d) Not attempt or allow adjustments to be performed on a vehicle being inspected until the final vehicle inspection report (VIR) is complete.

(e) Sign all VIRs at the time of inspection.

(f) Give notice to the VPMD of any change in legal name, employment status, current places of employment as an AIR CARE inspector, and current mailing address by using the appropriate forms.

## 2.3 Technician Certification and Training

Anyone may apply for AIR CARE technician status by filing the necessary forms with the Program Manager. The forms may be obtained from the VPM Headquarters.

### 2.3.1 AIR CARE Technician Certification

AIR CARE technicians shall have access to an adequate emissions systems reference guide during repairs and adjustments of systems.

The competency test for certification shall include:

(a) Basic understanding of possible cause and effects of timing and air/fuel ratio on emissions.

(b) Performing applicable high altitude adjustments according to manufacturer's specifications.

(c) The regulatory requirements for vehicles which may need time extensions.

(d) How to use on-board diagnostic, latest shop diagnostic tools and instruments available to automotive emission technicians.

(e) The provisions of the emissions control systems performance warranty under section 207(b) of the Federal Clean Air Act in relation to the inspection.

(f) The emissions control equipment for 1975 and newer vehicles needed to satisfy Regulation 28, recognizing equipment and components not necessarily involved, so that motorist's adjustment costs may be kept at minimum.

(g) Preparing acceptable documentation, needed by motorists to present to the Program Manager, to prove that either a low emissions tuneup has been performed after a failed inspection or that an adequate search revealed certain replacement parts to be unavailable.

AIR CARE technicians will be assigned a personal identification number in order to correlate data audits with the VPM Program, as a means of quality assurance.

AIR CARE technicians will notify the Program Manager within ten (10) calendar days of any change in legal name, employment status, current places of employment as an AIR CARE technician, and current

mailing address by using the appropriate forms. Failure to keep the Program Manager informed may be cause for certificate revocation.

### 2.3.2 Performance of AIR CARE Technicians

AIR CARE technicians shall observe the official procedures of the VPM Procedures Manual and uphold the regulations established by the Board and the Program Manager. An AIR CARE technician will:

(a) Never allow another person to use the technician's personal identification number or certificate.

(b) Not attempt to perform adjustments on a vehicle being inspected until the final VIR is complete.

(c) Never adjust or repair a vehicle in a manner which will cause the vehicle to fail emissions inspection requirements.

## 2.4 Fees, Expiration and Renewal

### 2.4.1 Fees

The Annual fees for certification and certification renewal are:

| | |
|---|---|
| AIR CARE Station | $200.00 |
| AIR CARE inspector | $35.00 |
| AIR CARE technician | $35.00 |

The requisite fee should be by check or money order, made payable to the City of Albuquerque, and paid upon receipt of an

invoice from the City. All fees are non-refundable. If a check paying for certification, certification renewal or VIRs is received by the City and is returned from the financial institution for insufficient funds, the certification of the AIR CARE Station, inspector or technician, as appropriate, will be suspended immediately and will not be reactivated until the amount due is paid in full.

### 2.4.2 Certificate Expiration

All certificates shall be valid for 12 months from the date they are issued, unless the Program Manager or Board determines otherwise (see Section 2.4.3). No less than thirty (30) days prior to certification expiration, the Division shall mail written notification to the business address of record to any active AIR CARE inspector, AIR CARE technician, or owner/operator of an AIR CARE Station whose certificate is about to expire. The notice shall give the deadline for certification renewal. It shall also provide information on updated skill requirements and procedures or retraining needed to maintain current certification standards.

### 2.4.3 Certification Renewal

AIR CARE inspectors, AIR CARE technicians, and AIR CARE Stations must renew certification during the month of the certificate's date of expiration. The Program Manager will renew

the certification of any individual who demonstrates the knowledge and skills necessary to meet the updated qualification requirements established by the Board. Re-certification may include classroom instruction and inspector retesting.

## 3. AIR CARE STATION PROGRAM REQUIREMENTS

A station cannot be a certified AIR CARE Station, nor can certification be renewed unless all the Program requirements are fully met. The following standards will be audited on an on-going basis by the Division. The results of these audits shall be recorded by the Division auditor into the VEGAS for the periodic compilation into the Division data base.

### 3.1 Checklist of Requirements

____ AIR CARE inspector is present at all times that AIR CARE Station is open for inspections

or

____ the times that an AIR CARE Inspector will be available to make inspections is posted, if such times do not include all hours the station is open for business

____ current AIR CARE Station certificate is on display on premises

____ current certificates for all AIR CARE inspectors and AIR CARE technicians affiliated with the station are posted on the station premises

____ at least one approved VEGAS is on premises and operating within regulation limits

____ approved manufacturer's maintenance and calibration manual for VEGAS is on premises

____ sufficient hand tools for inspections, minor adjustments and emissions-related repairs are present (inspection and repair stations only)

____ Division-approved span gas and compatible equipment for performing gas span checks are present

____ suitable nonreactive tail pipe extenders or probe adapters for inspecting vehicles with screened or baffled or dual exhaust systems are present

____ other tamper inspection equipment is present

____ the sign furnished by the Division must be displayed prominently at a location closest to the nearest thoroughfare. The Division-furnished sign must state, or have attached to it another sign which states the amount to be charged for an AIR CARE inspection,

with the price being displayed in letters a minimum of three (3) inches high

Because stations may offer different types of emissions-related services, specific requirements may vary. The VPM Program has provided for three distinct station categories, which are:

1. Emissions inspection and related repairs or adjustments
2. Emissions inspection only
3. Repairs only

Stations performing inspections and repairs are certified by the Program Manager, and are required to fulfill all Program requirements. An AIR CARE inspection and repair station will offer all services related to the VPM Program, and will employ an AIR CARE technician to perform adjustments and repairs necessary for a vehicle to pass a retest.

Stations which perform emissions inspections, but which do not provide emissions-related adjustments or repairs, must also be fully certified by the Program Manager, and are subject to the rules and regulations which govern all AIR CARE Stations, except those pertaining to repairs.

Stations or businesses which perform repairs only are not certified by the Program Manager, and are not subject to the

requirements of the Program. A repairs-only station or business is not required to employ an AIR CARE technician for the purpose of making emissions-related adjustments and repairs.

**3.1.1 Sign Posting**

(a) Every AIR CARE inspection station must prominently display in a protective covering the certificate issued by the Division. This is also the case for certificates for AIR CARE inspectors and technicians affiliated with the station. If an inspector or technician is working at more than one station, duplicate certificates shall be posted at each location. The duplicates shall be issued by the VPMD. These nontransferable certificates remain the property of the Division. A station's certificate must be surrendered if the station stops performing AIR CARE inspections or loses Program certification. If any of the certificates are lost, stolen or destroyed, the station's owners/operators and/or the inspector/technician must notify the Program Manager within one working day. If any of the certificates have been stolen, the station's owners/operators and/or inspector/technician must also file a report with the police immediately. The Program Manager shall then issue any and all new certificates after receiving payment of the appropriate fees. If any of the certificates are again lost or destroyed, the Program Manager shall request written

notice of how the loss or destruction occurred, and an explanation of how the situation will be remedied. More than two such incidents may result in revocation of certification.

(b) A sign which advertises the facility as an AIR CARE Station shall be furnished by the Division. This sign shall be installed so it is visible from the street and in accordance with all applicable zoning requirements. The station owner must have lettering added to the Division-furnished sign, or must attach to the Division-furnished sign the amount to be charged for the inspection, using letters a minimum of three (3) inches high. More than one sign may be posted on the station premises to advertise AIR CARE inspections and repairs. These signs must meet the minimum requirement described below for size, design and posting. It is the responsibility of the station owners/operators to post all necessary signs. The Program Manager must approve the use of all signs displaying the AIR CARE logo, slogans, name, or markings used by the VPM Program. Any signs which do not satisfy Program requirements will be replaced by the owner within thirty (30) calendar days after notice by the Program with signs which comply with this Procedures Manual and are acceptable to the Program Manager.

1. The signs must be a minimum of 11" X 17" and the design must include all required information.

2. The sign(s) must be firmly and solidly mounted and easily visible from the street. No other signs are permitted to cover any part of the sign, and the inspection/repair sign must not cover any part of another sign or advertisement.

(c) If the available inspection times do not include all hours the station is open for business, then a prominent sign must be posted indicating the times the station is open for emissions inspections. This sign must be at least 11" X 17".

(d) If the station is "AIR CARE Inspections Only," then a sign indicating that no emissions-related adjustments or repair services are available must be posted. This sign must be at least 11" X 17".

(e) If normal vacations or other absences of station personnel temporarily reduce operating hours for inspections, or cause a temporary closing of inspections, then a prominent sign no less than 11" X 17" indicating inspection hours will be displayed.

(f) No currently-certified AIR CARE Station may arbitrarily cease inspections for more than fourteen (14) calendar days without notifying the Program Manager in writing.

(g) Fleet AIR CARE stations must post a sign stating that inspections will be performed only on certain vehicles relating to a specific business or government entity, but these stations are

exempt from all requirements listed in this section except for requirements (a) and (g).

(h) Failure to display the official certificate or failure to comply with the above sign requirements will be grounds for suspension of certification.

### 3.1.2 Minimum Equipment and Facilities Requirements

**Equipment**

(a) At least one Division-approved VEGAS owned or leased by the AIR CARE Station will be in place and operating within the equipment specification limits set forth in specifications developed by the Program Manager. The approved manual describing each manufacturer's VEGAS maintenance and calibration procedures must be on the premises of the station. An AIR CARE inspector or technician will be responsible for routine and unscheduled user-performed maintenance or parts replacement for the approved VEGAS. The AIR CARE inspector must ensure that the VEGAS and other equipment used during emissions testing is accurate and effective, according to the Program Manager's requirements.

(b) Suitable nonreactive tail pipe extenders or probe adapters for inspecting vehicles with screened or baffled exhaust systems must be available in the station.

(c) The AIR CARE Station must have adequate reference manuals, such as Cascade or Mitchell Manuals or any others deemed appropriate by the Program Manager, and basic emissions adjustment information for every vehicle accepted for inspection or repair. No vehicle will be accepted for repairs if the AIR CARE Station does not have adequate information regarding idle speed, idle mixture, timing, dwell, fast idle speed specifications, high altitude specifications and information describing emissions control systems, diagnostic and repair procedures if normally available in the trade. The station must also have a flashlight and mirror in order to perform visual inspections.

(d) The station must have, readily available and in good condition, sufficient hand tools for proper performance of the inspections, adjustments and emissions-related repairs.

(e) Division-approved span gas and compatible equipment for performing gas-span checks must be available and in good working order.

(f) The station must prominently display the official inspection certificate(s) in protective covering(s). (See also Section 3.1.1(a)

FACILITIES

All AIR CARE Inspection stations must comply with all

applicable Federal, State and local codes including building safety and fire regulation. Other AIR CARE certification requirements include the following:

(a) Inspection areas must be located entirely within a permanent-type building, of sound structure and good repair, which has at least two permanent walls and a permanent roof. The facilities shall be large enough to accept all types and sizes of vehicles which are required by the program to obtain AIR CARE inspections. Tents, sheds and other makeshift structures are not acceptable for AIR CARE emissions inspections. An AIR CARE inspection station which is not large enough to accept for emissions testing all types and sizes of vehicles which must be tested under the Program is legally nonconforming, shall be a "Nonconforming Station," and shall only be allowed to continue operating as a Nonconforming Station until a "Major Change" to the station occurs after January 1995, as determined solely by the Program Manager. Examples of Major Changes include, but are not limited to the following: (1) the AIR CARE Station changes ownership; (2) the AIR CARE Station changes location; (3) a

significant structural change is made to the AIR CARE Station, such as, but not limited to: [a] an addition which expands the exterior parameters of the station; or [b] a major remodel of the interior of the station, including but not limited to a significant interior structural change. When a major change occurs, the AIR CARE Station must modify its facility promptly, within no more than six (6) months, so the facility is a conforming facility. The Program Manager, in his/her sole discretion, may grant an extension of the deadline for good cause. However, an AIR CARE Station may remain a Nonconforming Station until a Major Change occurs, or until a Board Regulation or an additional amendment to the Procedures Manual establishes a deadline for AIR CARE Stations to modify their facilities so they will be large enough to accept all vehicles subject to Program testing requirements.

(b) At least one bay inside the AIR CARE Station inspection area, clearly labeled and approved by the Division for emissions testing, must be set aside during posted business hours throughout the calendar year for the purpose of inspection. No repair work which would delay

testing may be performed in the inspection area during times of inspection. Minor repairs may be performed in the area if the vehicle can be easily moved in order to test emissions of another customer's vehicle.

(c) The vehicle owner or driver shall be allowed access to the vehicle emissions test area in an AIR CARE Station, so the vehicle owner or driver can observe the entire official inspection process on the vehicle. An existing AIR CARE Station which does not provide required access for observation is legally nonconforming and shall be made by the owner or operator to conform within six (6) months after the effective date of the January 1995 amendment to the Procedures Manual. However, all modifications to the facilities must be completed by January 1, 1996. Access by the vehicle owner or driver may be limited by preventing the owner or driver from being within the immediate work area of the vehicle emissions test. The limited access in no way shall prevent full observation of the entire inspection by the vehicle owner or driver.

(d) The entire floor of the building housing the inspection area just be hard surfaced and sufficiently level

in the same plane, so that calibration and accuracy of the inspection equipment is not disrupted by a vehicle's weight or motion.

(e) Inspection areas will be maintained in a clean and orderly fashion so that vehicles may be inspected without unreasonable delay. The area must be free of any obstructions that would interfere with timely, accurate and professional emissions testing, although work benches, storage cabinets and tools are permissible if sufficient space remains to conduct inspections.

(f) Atmospheric temperature must be adequate to maintain the temperature operating range of the approved VEGAS. (30 to 70 degrees F.)

(g) The inspection area must be well lighted so that all emissions testing can be adequately performed.

(h) Lifts, pits, runners and drains in the inspection area are permissible if all other requirements are met and if such features do not affect equipment accuracy.

(i) All applicable signs must be posted so as to be clearly visible to customers.

### 3.1.3 Operation of the Vehicle Exhaust Gas Analyzer

Approved VEGAS have several features in common. Each VEGAS is capable of measuring the proportions of carbon monoxide (CO) and hydrocarbons (HC) emitted by a motor vehicle at high RPM and idle conditions, and each VEGAS provides for retests of the high RPM and/or idle condition if the initial readings indicated a FAIL. Each VEGAS has emissions diagnostic capabilities, and each maintains a tamperproof record of all emissions tests performed. Measurement of CO and HC exhaust emissions is accomplished by an infrared system that is contained within the VEGAS itself.

Operation of approved VEGAS is simplified by the use of computer controlled messages on a video display screen that tell the inspector what step to take next. These messages may require actions to be performed on the vehicle itself or they may call for the inspector to enter information on the VEGAS keyboard. For example, if the AIR CARE inspector selects the "Vehicle Inspection Mode" by pressing the indicated key(s) on the VEGAS keyboard, the VEGAS will begin by requesting the inspector to enter information about the vehicle, such as the vehicle identification number, the vehicle make and model, the year of vehicle manufacture, and so forth. Generally, VEGAS have built-in "help" functions to provide additional guidance during the inspection process. VEGAS inspection

sequences also require the inspector to input the results of the visual inspection portion of the emissions test.

The physical aspects of the emissions tests require that two connections be made to the vehicle being tested: (a) a sample probe is placed in the vehicle's exhaust pipe to collect an exhaust gas sample; and (b) an inductive pick-up is attached to one of the vehicle's spark plug wires, or an alternative RPM pickup device is used as approved by the Program Manager to allow measurement of engine RPMs at high and idle speeds. The VEGAS automatically collects an exhaust gas sample, routes the sample through a filtering and drying system, and measures the proportions of CO and HC in the sample. The VEGAS compares the proportions found in the vehicle's exhaust to pre-established standards to determine whether the vehicle passes or fails the emissions test.

Each approved VEGAS is capable of printing out the results of the emissions test on VIRs approved by the Division. For purposes of quality assurance, the forms are serially numbered and must be kept locked inside the VEGAS. Periodic replacement of paper and printer ribbons is a part of normal VEGAS operation routine. The serially-numbered VIRs used for the VEGAS shall be purchased from the Division in groups of 100 and are not transferable to other AIR CARE Stations.

VEGAS are designed to perform a number of other functions that are an integral part of the VPM Program. They automatically store the results of each vehicle emissions test as provided for in the specifications; they provide automated procedures for detecting analyzer leaks; and they are capable of calibrating themselves by using a quantity of "span gases" (gases having known and standardized proportions of CO and HC). An internal clock keeps track of the time that has elapsed since the last calibration and leak check, and will require calibration and leak tests to be performed at predetermined intervals. Each of these capabilities helps ensure the accuracy and quality of the VPM Program.

### 3.1.4 Use of Vehicle Inspection Report (VIR)

The VEGAS shall have a printer that is capable of producing a 2-part 80 column carbonless form 8 1/2 inches wide by 11 inches long. The bottom portion of the VIR serves as the official PASS document for the customer, who must present it to the Motor Vehicle Division (MVD) in order to register the vehicle. The AIR CARE inspector will present the original of the VIR to the customer indicating whether the inspected vehicle has passed or failed. If the vehicle has failed the test, the inspector must retain the lower portion and inform the customer of the required steps for correcting deficiencies. (See Section 4.2.)

(a) The vehicle owner may choose to do the repairs personally or have them performed by a non-certified technician.

(b) The owner may choose to have the repairs performed by a AIR CARE technician.

One copy of each VIR must be kept on record in a secured location in the AIR CARE Station and made available and/or surrendered to Division representatives on demand or during regularly scheduled auditing by representatives of the Division. The VIR will be printed out on perforated paper. The original VIR will go to the customer. In the case of a PASS VIR, the bottom half, signed by the AIR CARE inspector, will be provided to the MVD by the vehicle owner along with application for registration. The top portion of the VIR is the vehicle owner's record of inspection, and may be presented to the Division for a free retest if the bottom portion is lost. If the entire VIR is lost, the vehicle owner may have to have the vehicle reinspected if the record cannot be found. If the VIR is torn or mutilated it may be presented to the Division for a free retest. The copy of the VIR will be retained by the station for auditing purposes, and will be collected by the Division once a year.

## 4. GENERAL INFORMATION - VISUAL INSPECTIONS AND EMISSIONS TESTS

Each AIR CARE Station owner or operator shall ensure the following:

(a) vehicles subject to the VPM Program are tested in accordance with the procedures contained herein;

(b) all test equipment used is properly maintained and calibrated;

(c) all required tests are performed only by employees certified by the Program Manager to perform VPM Program tests;

(d) the public is always dealt with in a courteous manner by the AIR CARE Station employees; and

(e) all Program information and AIR CARE certificates are prominently displayed.

The AIR CARE Station shall determine whether a vehicle being submitted for testing is subject to the VPM Program. Motorists who submit vehicles that are exempt from testing per the VPM Program guidelines specified in Section 1.4.1.1 shall be informed by the AIR CARE Station operator or by an AIR CARE inspector employed on the premises that a test is not required, but may be given if the fee is paid.

## 4.1 Inspection Checklist

The test starts when it is determined that a vehicle submitted to an AIR CARE Station for testing is subject to the requirements of the VPM Program. The test will then proceed to completion. The term "test" as used in the remainder of this section shall mean the two-part procedure of Visual Inspection (including a visible smoke test) and Emissions Gas Analysis. **Pretesting a vehicle to see if will pass the visual portion or the emissions portion of the test is not allowed by the Program, if the vehicle is submitted for testing only**. Diagnostics may be performed on a vehicle that is submitted for repairs prior to an emissions test. All repairs must be documented on a work order signed by the customer if the repairs are to be performed before the emissions tests. From the time a vehicle is initially submitted for the test until completion, the AIR CARE Station will ensure that the items listed below are performed:

(a) The Customer Consent Form for the Vehicle Emissions Test is signed by the customer

(b) Preliminary inspection (Determination of Vehicle Eligibility; Safety of Vehicle)

(c) Identification of Emission Control System

(d) Log On To Computerized VEGAS

(e) Visual Inspection (anti-tampering, including the

visible smoke test)

(f) Two part Emissions Test

(g) Test Completion

(h) Vehicle Inspection Report (VIR) Interpretation and Distribution

These procedures are described below.

### 4.1.1 Customer Consent to Vehicle Test

The AIR CARE inspector will have the customer sign a Customer Consent Form which will document the following:

(a) understanding of the purpose and nature of the test;

(b) acknowledgement that the signed agreement constitutes authorization to the AIR CARE Station to conduct the test on the customer's vehicle;

(c) acknowledgement that customer must pay the posted inspection fee;

(d) acknowledgement of the customer's responsibility for upgrading the owner's vehicle to meet acceptable exhaust emission standards and for passing a retest if the vehicle fails the test.

The customer shall be given a copy of the signed Customer Consent Form and the station will also retain a copy. In addition,

following completion of the test, the station will retain a copy of the VIR. The station also shall give the customer applicable written materials, as appropriate, that include information about customer recourse to the vehicle manufacturer via manufacturer emissions control system warranty, use of the VPM Headquarters for retest, possible necessary repairs, time extensions, and other pertinent information.

### 4.1.2 Preliminary Inspection

Vehicles entering an AIR CARE Station must be categorized as either exempt from or eligible for the inspection Program before any testing begins. For those vehicles presented for inspection which are exempt, the AIR CARE inspector must so inform the owner, explaining that vehicle inspection is not required. Some individuals whose vehicles are exempt may nonetheless wish to have their vehicles inspected. In this case, an owner of an exempt vehicle may pay the inspection fee and have the vehicle undergo inspection.

Vehicles submitted to an AIR CARE Station shall first be given a preliminary inspection to determine whether the vehicle is safe for testing. The following situations will automatically cancel the vehicle emissions test (these situations must be documented and the customer informed in writing why the test was not performed. The

documentation shall be provided to the customer on his/her copy of the Customer Consent Form and recorded on the copy retained by the station:

(a) major systems leak (fuel, oil, transmission, coolant, exhaust, etc.)

(b) inability to hold steady engine RPM

(c) unusual engine noises

(d) engine warning lights on (engine temp, oil, etc.)

(e) other vehicle-related safety problems which an AIR CARE inspector believes will make the vehicle unsafe for testing.

The customer submitting an unsafe vehicle to the AIR CARE Station shall be immediately advised of the situation(s) that caused the automatic cancellation, and of the need to correct the unsafe condition(s). The AIR CARE Station must document and keep records of the unsafe conditions.

In particular, excessive leaks in the vehicle's exhaust system will cause the exhaust test equipment to abort the test. <u>There shall be no fee for the Preliminary Inspection</u>.

The emissions test will proceed if a vehicle is determined to be safe for testing by an AIR CARE inspector.

### 4.1.3 Identification of Emission Control System

The AIR CARE inspector shall determine for each vehicle being inspected the specific year and model of the vehicle and what emissions control devices or equipment should be in place and operable. The inspector first should check the vehicle to determine which devices are present and properly connected. The inspector then should consult the emissions label and then, to obtain more information, if necessary, the inspector should check nationally published emissions control system application manuals as approved by the Program, or use the following procedures:

(a) Check the underhood label. Since the 1972 model year, federal law requires every new vehicle to be equipped with a permanent label within the engine compartment. The label should contain the following information:

(1) name of vehicle manufacturer

(2) statement as to whether the vehicle conforms to California or U.S. Environmental Protection Agency (EPA) emissions control requirements;

(3) engine size in cubic inches (CI), cubic liters (CL), or cubic centimeters (CC);

(4) exhaust emissions control type displayed with

initials like EM (engine modification), AIR (air injection reactor), or FI (fuel injection); this procedure is not always reliable, but should be checked as necessary;

(5) engine tuneup specifications and adjustments recommended by the vehicle manufacturer, including speed, ignition timing, air fuel mixture, and idle carbon monoxide (CO) setting, if adjustable.

(b) For unlabeled vehicles, the AIR CARE inspector can identify the year of the vehicle and identify the emissions control system by:

(1) using the information contained on the vehicle's registration, e. g., Vehicle Identification Number (VIN), if the registration is clearly for the particular vehicle being submitted for testing, or by

(2) referring to the VIN affixed to the vehicle, then using the approved emissions control manuals to identify the engine and its required emissions control devices, as well as adjustment mechanisms.

At this stage, the AIR CARE inspector should have sufficient vehicle information to enter into the computerized VEGAS. This information must be recorded on a pre-printed Data Entry Form approved by the Program Manager. The Data Entry Form must be retained with the station's records for auditing purposes.

**4.1.4 Log On To Vehicle Exhaust Gas Analyzer VEGAS**

After the computerized VEGAS has been turned on and is ready to accept data, the AIR CARE inspector should "log on", by using the inspector's personal identification number, and enter vehicle data as prompted. The following information will be requested and should be entered:

(a) Inspector Personal Identification Number

(b) Vehicle Identification Number (VIN)

(c) Vehicle License Number

(d) Vehicle Make -- Use the applicable four-letter abbreviation from the list provided on the VEGAS help screen; for vehicles not listed on the help screen, use the first four letters of the manufacturer's name.

(e) Vehicle Model Year

(f) Vehicle Type -- Car or Truck, (Recreational vehicles, Vans, four wheel drives shall be entered as a truck).

(g) Gross Vehicle Weight (GVW) -- for trucks only.

(h) Number of Cylinders -- 2R for Rotary; #D for direct ignition systems where # is the number of cylinders.

(i) Odometer Reading

(j) Test Type --Initial Test or Retest. If the test is a retest, the VEGAS will request additional information regarding the type and cost of the repairs, if known. (For the Invalid Test procedure, see Section 4.1.9.3)

(k) Vehicle With/Without Air Injection

(1) Single/Dual Exhaust

(m) Other information deemed necessary by the Division

**4.1.5 <u>Visual Inspection</u>**

The visual inspection shall include only the following items:

(a) Catalytic Converter

(b) Oxygen (02) Sensor

(c) Air Injection Reaction System

An AIR CARE inspector shall determine if the devices listed above were originally installed or are acceptable substitutes for original equipment. The AIR CARE Station shall have available current references such as parts lists or guides as approved by the Program that can be used for reference purposes.

The required emissions control devices shall be visually checked to determine whether they are operating properly, modified,

disconnected, or removed. A complete air injection system which is required to be connected to a catalytic converter but is not connected because the catalytic converter is missing, shall be indicated as FAIL for both the air and catalytic converter tests.

Inspected vehicles with any of these emissions control systems removed, modified, or rendered inoperative shall FAIL the visual inspection. If all systems are operating satisfactorily and are clearly intact, the vehicle shall PASS the visual inspection portion of the test.

The AIR CARE inspector shall enter "P" (for PASS) or "F" (for FAIL) or "N" (for Not Applicable) as appropriate for each component inspected. The VEGAS will display a visual prompt on the screen when this PASS/FAIL/NA information should be entered by the inspector.

Vehicles which have had the original engine removed and replaced may be eligible for a waiver or time extension to comply with portions of the visual inspection. The Program Manager or his designate shall determine if the vehicle has been retrofitted with an engine that is not adaptable to the emissions control requirements for the vehicle chassis model year. Upon such determination, the Program Manager may waive the requirements for replacement of emission control equipment.

Following the visual inspection, the VEGAS will prompt the inspector to proceed with the visible smoke portion and the two part Emissions Test.

**4.1.6 Visible Smoke**

The AIR CARE inspector will watch the tailpipe as the vehicle enters the facility, during the idle portion of the emissions test and during the high-speed portion of the emissions test (using a mirror, if necessary). If the inspector observes any smoke (not steam) during any part of the inspection, the visible portion of the emissions test shall be a FAIL and will be entered as FAIL when prompted by the VEGAS.

**4.1.7 Preconditioned Two Speed Idle Emissions Test**

Motor vehicles subject to the VPM Program shall be tested at the engine conditions designated as "high speed and idle." The VEGAS shall be capable of performing a preconditioned two-speed idle test as outlined in 40 CFR Part 51, Appendix B to Subpart S. The Program approved VEGAS will provide a series of automatic prompts which will direct the AIR CARE inspector on how to proceed through the two speed test. To ensure the reliability of this test the AIR CARE inspector should ensure that the VEGAS has successfully passed the automatic Hang Up Check (consult VEGAS manual). Furthermore, the inspector must ensure the following:

(a) the transmission is in PARK (for automatic) or in NEUTRAL (for standard). Vehicles may not be tested in drive.

(b) the engine is at its normal operating temperature; this can be verified by checking for warmth on the coolant hoses between the radiator and the engine, or by checking an engine or oil temperature gauge;

(c) all vehicle accessories such as the air conditioner are turned off.

The VEGAS will prompt the AIR CARE inspector to start the emissions test. The VEGAS will display a visual message on the screen, such as:

CONNECT THE TACHOMETER WITH THE ENGINE TURNED OFF. START THE ENGINE AND INSERT THE ANALYZER PROBE INTO THE VEHICLE'S TAILPIPE.

Inspectors should ensure that the VEGAS probe is properly inserted into the tailpipe, and that there are no "kinks" in the hose. Inspectors should begin the emissions test immediately after the engine has been restarted. The inspector should perform the test consistent with the following:

(a) the idle portion of the emissions test shall be given with the vehicle's engine at low or "curb" idle;

(b) the VEGAS will not start testing until the engine's RPM is within specified limits of RPM value;

(c) if the VEGAS probe is not inserted properly or is removed from the vehicle's tailpipe during testing, the sample exhaust gases will be diluted with ambient air; the VEGAS will stop testing until the condition is corrected;

(d) any motor vehicle which is tested and determined to emit quantities of carbon monoxide (CO) and hydrocarbons (HC) during either the high speed or idle portions of the test greater than the acceptable limits listed in Appendix A, shall be FAILED; those motor vehicles with emissions rates equal to or lower than the applicable amounts shall be PASSED.

(e) any motor vehicle failing either portion of the emissions test may result in the VEGAS prompting the inspector to repeat the failed portion of the emissions test a second time. If the results are confirmed as failed the result (FAILED) will be automatically printed on the VIR. If the second chance test results in PASS, that result will be printed.

Appropriate CO and HC limits for the PASS/FAIL criteria shall be automatically selected by the VEGAS, based on the vehicle information entered. The appropriate idle speed limits are 300-1100 RPMS. RPM readings below or exceeding these limits will result in an INVALID result. The appropriate anti-dilution values will be selected automatically by the VEGAS based on Vehicle With/Without Air Injection information entered. Dilution values below the standards will result in an INVALID result.

The emissions test analysis will be performed automatically by the VEGAS, with no further inspector action required. For example, the sample will be validated (dilution check), readings will be taken, emissions test values will be compared to the applicable limits, and PASS/FAIL determinations applicable to the idle emissions test items will be made.

**4.1.8 <u>Test Completion</u>**

After completion of the two-part emissions test (including any required second chance tests), the AIR CARE inspector will be prompted to enter the amount of the inspection fee charged the customer; this entry shall be in dollars and cents format. The entry of the VIR form number will complete the inspection process and cause all results to be "written" to the computer disk file, the

inspection report to be printed, the vehicle's record to be closed, and the VEGAS cleared to its pre-inspection condition.

### 4.1.9 Vehicle Inspection Report (VIR) Interpretation and Distribution

The VEGAS will produce a printout of the Vehicle Inspection Report (VIR) in duplicate form. The customer shall be given the original, non-reproducible VIR, the bottom portion, if a PASS, is to be provided to the New Mexico Motor Vehicle Division (MVD) upon registration. The AIR CARE inspector shall retain the NCR copy in the inspection station files for purposes of auditing and recordkeeping. When the result is either FAIL or INVALID the station shall retain the bottom portion of the VIR. The VIR, which will be printed in numerical order, will include but not be limited to the information listed below:

(a) Certificate Number (Sequential)

(b) AIR CARE Station Identification

(c) AIR CARE Inspector Identification

(d) Vehicle Information

(e) Visual Inspection Results

(f) Two Part Emissions Test Results

(g) Overall Test Results, i. e., PASS, FAIL

**4.1.9.1 Vehicle PASSED**

If the word "PASSED" appears on the VIR, the vehicle has successfully passed the test. No repairs are required, and the customer may use the VIR for MVD vehicle registration. The AIR CARE inspector shall inform the customer that the bottom portion should be detached from the VIR and presented to the MVD when the subject vehicle is being registered. The upper portion of the VIR should be kept by the vehicle owner as proof that the vehicle has passed inspection.

**4.1.9.2 Vehicle FAILED**

If the word "FAILED" appears on the VIR, the vehicle has failed the test and repairs and/or adjustments are required. The AIR CARE inspector shall advise the customer of these failed items, and, if known, the repairs and/or adjustments which may be required to pass a retest. The customer may not use the VIR for MVD vehicle registration. The AIR CARE Station shall retain the bottom portion of the VIR.

The AIR CARE inspector shall inform the customer that the necessary repairs and/or adjustments and a subsequent retest must be completed prior to re-registration of the vehicle or MVD penalties will accrue. The AIR CARE inspector shall inform the customer that a free retest is available at VPMD upon presentation of the FAIL VIR

within 90 days of the test. The AIR CARE inspector may inform the customer that under certain strictly-limited circumstances a time extension may be granted by the Program Manager. (See Section 4.2.3) The customer may go to any AIR CARE Station for a retest, or may have one retest performed at no cost at the VPM Headquarters.

#### 4.1.9.3 Vehicle Test INVALID

Invalid results do not constitute a complete test. AIR CARE Stations may not charge customers for INVALID tests. The AIR CARE Station shall keep both copies of the INVALID VIR's for future credits. If the INVALID is caused by engine or exhaust system problems, the AIR CARE inspector shall advise the motorist to make the necessary repairs before attempting another inspection. The VPMD Headquarters facility generally will not perform retests for motorists presenting INVALID VIR'S.

### 4.2 FAILED Vehicle Repair Options

The AIR CARE inspector shall inform the customer whose vehicle has failed the test that the customer has the following repair/adjustment options:

(a) The required repairs/adjustments can be performed at the AIR CARE Station that performed the test, if the customer so chooses, unless the station is an AIR CARE Inspection Only Station and cannot perform necessary

repairs or adjustments.

(b) The required repairs/adjustments can be performed at the vehicle service center of the customer's choice.

(c) The required repairs/adjustments can be performed by the customer.

**4.2.1 FAILED Vehicle Retest**

Vehicles that are being retested after required repairs and/or adjustments have been made shall have a complete inspection, including the two part emissions test. (Inspector must enter this as a "retest.") Customers must notify the AIR CARE inspector that it is a retest and should present to the AIR CARE station the initial VIR received at the initial inspection in order to facilitate vehicle, customer, and AIR CARE inspector identification. Vehicles which have failed inspection or which have other problems may be taken to the VPM Headquarters, where vehicle owners must present the initial VIR they received.

**4.2.1.1 Vehicle PASSED On Retest**

If the word "PASSED" appears in the retest VIR section labeled "Certificate of Inspection," the vehicle has successfully passed the retest. No additional repairs are required and the customer is now eligible to receive his or her vehicle registration from MVD. The customer should be informed that the bottom half of the VIR should

be presented or mailed to the MVD when the subject vehicle is being registered.

**4.2.1.2 Vehicle FAILED On Retest**

If the word "FAILED" appears on the retest VIR, the vehicle has failed the retest. The customer is still ineligible to register his or her vehicle, and must take necessary steps to bring the vehicle into compliance.

**4.2.2 Non Compliance for Vehicles Failing the Retest**

The vehicles failing the retest shall be subject to the following conditions:

(a) Vehicle Not Repaired/Adjusted As Recommended - If, because of customer negligence, the subject vehicle has not been upgraded to compliance, the AIR CARE inspector shall inform the customer that the customer will be unable to register the vehicle with MVD and, as provided by NMSA 66-3-19.E (1978 Comp., 1994 Repl. Pamph.), a penalty of ONE DOLLAR PER DAY FOR EACH DAY THE SUBJECT VEHICLE IS UNREGISTERED WILL ACCRUE. This penalty shall not exceed a total of twice the registration fee.

### 4.2.3 Time Extensions for Repairs

Time extensions for up to a total of two (2) years may be granted by the Program Manager. Vehicle owners applying for time extensions shall petition the Program Manager and present the failing vehicle at the VPMD Headquarters.

The petitioner must provide the following information in order to be eligible for time extension consideration:

(a) VIN

(b) Model year and manufacturer

(c) Owner's name and street address

(d) Documentation that a low emissions tune-up was performed by an AIR CARE technician (if the vehicle is unable to pass the exhaust cutpoints), and/or that critical replacement parts will not be available within a reasonable period of time

(e) The back of the VIR must be completed by a vehicle repair business acceptable to the Program Manager before the owner can apply for an extension for a vehicle that has major engine problems preventing it from meeting the cut points

(f) An estimate must be presented, on official letterhead or invoice from a vehicle repair business

acceptable to the Program Manager, documenting the cost to bring the vehicle into compliance (estimates are not required for tampered emissions equipment), including possible reasons for failure

(g) Valid New Mexico drivers license

(h) Other information required by the Program Manager

Upon receipt of the petition, the Program Manager may grant a time extension based on the validity and applicability of the information provided. The decision of the Program Manager regarding time extensions may be appealed within fifteen (15) calendar days, by petitioning the Director of the Environmental Health Department. Any such appeal must be delivered to the Headquarters within fifteen (15) consecutive days after receipt of the Program Manager's decision.

If a motor vehicle which has a current time extension is transferred within the time extension period, <u>the sale shall terminate the extension</u>. The seller must inform the new owner that the vehicle had a one-time extension for repairs and the extension has terminated.

Any person owning a motor vehicle for which a time extension has been issued shall have the vehicle inspected within the time frame specified for the vehicle on the time extension and correct

the conditions causing non-compliance. The vehicle owner shall provide a "PASS" VIR to the VPM Program Headquarters within the time limitations specified in the time extension.

### 4.3 Scheduling of Tests

Every vehicle that is required to be tested shall be tested: (a) every other year when the vehicle owner is so notified or otherwise informed by the MVD; and (b) every time the title to a vehicle is transferred. The MVD will distribute notices or other appropriate information to owners of vehicles applying for re-registration in accordance with the written agreement made with the VPM Program Manager. Any vehicle owner who believes he/she has been erroneously notified of inspection, may petition the Program Manager to correct such error.

#### 4.3.1 Vehicles Unavailable for Testing

Motor vehicles which are unavailable for testing during the specified required time period may be granted a time extension within which to comply. Vehicle owners seeking such an extension may petition the Program Manager by submitting a signed affidavit justifying the special need or reason, and by providing other necessary documentation as specified by the Program Manager. If the vehicle is operated in an area where an I/M program is operating and a PASS inspection from the I/M program is submitted to the Program

Manager, the extension shall be for two years. If the time extension is based on other information from non-I/M areas, the extension shall not exceed one year.

## 4.4 Records, Data Entry Forms, and Reports

### 4.4.1 Records

All AIR CARE Station owners or operators shall maintain complete records of all tests performed at their respective stations. Each record shall consist of the following:

(a) Customer Agreement/Consent Form copy

(b) VIR copy

(c) Vehicle Data Entry Form

(d) Bottom portion of the original VIR when the result was a FAIL

The records shall be compiled and maintained in numerical order, using the serial numbers on the VIR.

All records shall be stored at the AIR CARE Station and be made available on demand when audits are conducted by VPM personnel.

### 4.4.2 Vehicle Data Entry Forms

It is required that AIR CARE Station operators have available, and use Vehicle Data Entry Forms for each vehicle to be tested by the station's AIR CARE Inspectors. The form will enable easier input of required vehicle information. The AIR CARE inspector must

fill in the appropriate information on the form, then place the completed form adjacent to the VEGAS keyboard. This will allow the AIR CARE inspector easy, at-a-glance access to the required vehicle information that is being entered into the VEGAS.

### 4.4.3 Reports

Complete and accurate recordkeeping is a necessity. The records will serve as the major source of information for the Albuquerque/Bernalillo County Vehicle Pollution Management Program audit and quality assurance inspections. AIR CARE Stations, inspectors and technicians not in compliance with recordkeeping formats required by the Program Manager shall be subject to monetary penalties, suspension or revocation of licenses.

Each AIR CARE Station owner or operator shall ensure that the required information is compiled and retained, and relinquished during audits by the Program, or as specified by the Program Manager. Detailed information regarding records to be retained is contained in Section 5, Field Audit Procedures.

## 5.0 GENERAL INTRODUCTION - FIELD AUDIT PROCEDURES

The following material has been developed as part of the Quality Assurance component of the Albuquerque/Bernalillo County Vehicle Pollution Management (VPM) Program. The audit procedures

are concerned with gathering information on how well the various aspects of the VPM Program are being performed.

## 5.1 Purposes of Auditing

Auditing provides a method for assessing the performance of VPM inspections and emissions analysis in accordance with established guidelines. For the VPM Program, the principal auditing concerns are the performance of vehicle inspections, the control of the VIR, and the accuracy of emissions analysis and the subsequent PASS/FAIL decisions. Data collected during audits can also be used in evaluations of AIR CARE inspector data entry accuracy, analyzer performance, patterns in inspection demand, overall data collection efficiency, etc.

## 5.2 Descriptions of Audit Procedures

The VPM Program Manager has authorized quality assurance specialists to perform audits of AIR CARE Stations, inspectors, technicians, personnel and equipment. The auditors, as members of the VPM Program, will announce themselves and provide appropriate credentials during all official inspections (except during surveillance/covert audits), and the AIR CARE Station owners/operators and other personnel shall supply all requested records and forms, and fully cooperate with the auditors. Auditors will visit AIR CARE Stations on a regularly scheduled basis,

although the Program Manager may authorize unscheduled, unannounced audits.

The auditing function of the VPM Program has been divided into four separate types of audits. These are:

(a) Inspection Procedures and Materials Audit;

(b) Recordkeeping and Data Audit;

(c) Reference Gas Analyzer Accuracy Audit;

(d) Surveillance Audit/Covert Audits (used when it is not desirable to have the AIR CARE Station personnel aware that they are under scrutiny (see Section 5.4.)

Although these audits are described as separate procedures, more than one type of audit can be conducted during a visit to an AIR CARE Station. The auditor will record the results of the audits into the VEGAS for later use and analysis. The Inspection Procedures Audit and VEGAS accuracy audit, for example, could be combined efficiently.

### 5.2.1 Inspection Procedures and Materials Audit

The Inspection Procedures and Materials Audit is a means to assure that the AIR CARE inspector has the required tools and supplies, and that vehicle inspections and emissions tests are performed according to the procedures specified by the Program

Manager.

The primary goal of this audit is uniformity of inspection and testing procedures among all AIR CARE inspectors and AIR CARE Stations, which will enhance the reliability and comparability of results. The audit will provide an opportunity to correct deviations from the intended procedures and identify areas that need emphasis when training and retraining the inspectors.

The audit will be conducted by observing an inspector while he or she performs one or more vehicle inspections and emissions tests. The inspection procedures audit results will be noted in the auditor's log book. Any variation in the inspection procedure or the lack of necessary materials will be brought to the attention of the inspector. Corrective measures will be recommended by the auditor at this time. Only one inspector should be audited at a time and the report must be completed before auditing the performance of another inspector.

The form and items outlined below must be considered as guides because all possible deviations from the approved procedure cannot be anticipated.

(a) Equipment and documentation--verify that inspector has proper certification and tools and supplies necessary to perform inspection.

(b) Preliminary safety inspection and customer consent--inspector must verify that the vehicle is in acceptable operating condition and safe to inspect. The inspector must also obtain signed consent to perform inspection and provide written material as specified in VPM Program inspection procedures.

(c) Data entry accuracy--observe that VIN, license number, make, and model year are entered into the VEGAS accurately. If not, the auditor should explain to the inspector the importance of data entry accuracy for both recordkeeping and selection of appropriate emission standards.

(d) Tampering inspection--observe how inspector determines what emissions control equipment should be found on the vehicle and whether the procedure is acceptable. Observe inspection for catalytic converter, air injection system, oxygen sensor, and performance of visible smoke test. Observe responses to prompts on analyzer screen and entry of accurate, appropriate responses.

(e) Emission test--preparations: inspector must ensure

engine is warm. Preparations include attaching RPM pickup leads, being certain that all accessories are off, parking brake set, and transmission in neutral or park. Probe should not be inserted in tail pipe until engine has been started.

(f) Testing--observe that any other prompts to the operator are answered appropriately. Probe should be removed from tail pipe as soon as the VEGAS indicates the test is completed.

(g) Report--inspector must sign report before giving to vehicle operator. The station copy of the report should be filed appropriately.

(h) Customer explanation--the auditor will note whether Program or mechanical information given to the customer is correct.

The Inspection Procedures Audit checklist/report form will both guide the auditor and serve as a guide to entering the results into the VEGAS.

The materials audit will consist of the auditor verifying that all necessary materials and supplies are present and in a good, useable condition. The materials must include adequate Program forms, adequate reference materials, sufficient VEGAS supplies

(filters, calibration gas). Equipment and supplies must be maintained in a clean workmanlike manner.

### 5.2.2 Recordkeeping and Data Audit

This auditing component is concerned primarily with printed and magnetically preserved records. The printed records include the VIRs, VEGAS service records, and retained copies of Reference Gas Analyzer Accuracy audits and invalid or duplicate VIRs. Auditors will also verify that the station follows proper procedures to control and protect the unused VIRs. The magnetically preserved records are the data on vehicle inspections, calibrations, and field audits stored on official VPM diskettes. The recordkeeping and data audit may take place in two steps, the first at the AIR CARE Station (on-site) and the second at the VPM Headquarters.

The first step of the on-site recordkeeping audit will establish whether the analyzer being audited has been serviced by the manufacturer's service technician; the dates and nature of such service; whether visible smoke tests are being performed; and how the pre-printed Vehicle Inspection Reports (VIRs) have been used, which will require manual review of the station's copies of the forms by the auditor. For Reference Gas Analyzer Accuracy audits and invalid or duplicate vehicle inspections, the station's retained first sheets for such reports will also be reviewed. This review

may be linked with the on-site analysis of the magnetically preserved records. (The first-sheet copies of invalid inspections will be turned in to the VPM Program Headquarters by the station.)

The on-site data review will provide a summary of the types of data that have been recorded on the diskette and the intervals between calibrations. The review will identify reports, the first sheets of which shall be provided to the auditor upon request, and possible duplicate inspections that require particular scrutiny by the auditor. "Duplicate inspections" are, for example, a second test of a vehicle without identifying the second test as a retest, or a second test within 5 minutes after completion of a valid test on the same vehicle. The review will also identify if all report forms have been used in sequence without breaks or repeats. This information will be used in the manual review of the retained vehicle inspection report forms.

The second step of the on-site recordkeeping audit occurs at the VPM Headquarters, and will address issues of data entry accuracy, analyzer performance and accuracy, inspection demand, frequency and nature of required repairs as reported by vehicle operators, data capture efficiency, and similar concerns. Data entry accuracy (VIN, license number, make, and model year) will be established by comparison to Motor Vehicle Division (MVD) records.

This is a collaborative effort with MVD as they have motor vehicle registration records containing VINs and license numbers. The MVD records will also be investigated to establish that vehicles previously registered in Bernalillo County have not been registered in other counties to avoid inspection. The analyzer performance data will be developed from the analyzer accuracy audit results. Instrument stability and measurement accuracy comparisons for both individual and groups of analyzers will be derived to identify particularly "good" or "bad" instruments.

Similar information will be derived on other aspects of operator and instrument performance noted above.

In order to perform a Recordkeeping and Data Audit, the following procedures must be completed:

(a) Inspect analyzer service records and documents according to the Audit Checklist/Report form. Determine how the inspection station protects the official inspection form supply against misuse when the forms must be removed from the locked compartment on the analyzer for service or other reasons, and whether the procedure is acceptable. Enter correct answers for each item into the VEGAS.

(b) Review second sheets (station copies) of at least 25% of records since last Recordkeeping audit. The station operator will maintain these sheets in numerical order. Also, review retained first sheets of invalid or duplicate VEGAS and analyzer accuracy audits. Station copies of all reports will be collected by VPMD Auditors at least once a year. First sheets of invalids may be turned in by the station owner to VPMD headquarters for credit.

(c) Prepare VEGAS for removal of the data storage diskette. Open data storage unit and remove diskette.

(d) Put new diskette, after recording its identification, in the data storage unit, close and secure the unit.

(e) Return analyzer to service and observe that operator performs a calibration and leak check.

## 5.3 Analyzer Accuracy

Analyzer accuracy is critical to the performance of, and public confidence in the VPM Program. Emissions concentrations must be measured accurately to make correct PASS/FAIL decisions. The

inherent limitations in the accuracy of the calibration gases and the emissions analyzers, and the variability of emissions concentrations from the same vehicle will lead to some "incorrect" decisions, especially for vehicles with emissions near the cutpoints. A better understanding of the limitations and control of analyzer performance should minimize the frequency of such incorrect decisions. One approach to assessing the accuracy of analyzers at AIR CARE Stations is the Reference Gas Audit.

The Reference Gas Audit involves the use of accurately prepared gas mixtures. The auditor will use this audit to establish whether a VEGAS can accurately measure concentrations approximating those specified as the PASS/FAIL cutpoints in the Motor Vehicle Inspection regulation. Normally, only one gas mixture will be used during an audit. Reference Gas audits will be conducted at least once a quarter on each AIR CARE Station VEGAS.

### 5.3.1 Reference Gas Method

Reference Gas auditing will provide data on the accuracy of VEGAS measurements under the most favorable conditions. The data will be useful in identifying VEGAS that are likely to make incorrect PASS/FAIL decisions, determining how VEGAS accuracy changes with time, and determining the overall correctness of PASS/FAIL decisions. The Reference Gas Audit will be conducted

using a cylinder of certified audit gas. If background HC exceeds 20 ppm, allow operator 10 minutes to correct without calibrating the unit. If background still exceeds 20 ppm, DO NOT AUDIT. The gas will have been specially prepared to VPM Program specifications and will simulate the composition of an exhaust with concentrations approximating a cutpoint of the VPM Program. The target compositions of the audit gases will be:

1.60% CO, 600 ppm propane, 11.0% C02

The components of each cylinder will each be within +/- ten percent (10%) of the target values. The contents of each cylinder will be known to an accuracy of +/- one percent (1%) of the stated value. The analysis will be traceable to the standards of National Institute of Standards and Technology (NIST). The measurements and related data will be stored by the VEGAS and printed as a report, with parts to be retained by both the auditor and the AIR CARE Station operator. The formats for data storage and the printed report are given in the VEGAS specifications. VEGAS which do not meet these standards will be "shut down" (red tagged) at the direction of the auditor and may not be used for inspection until such time as the VEGAS manufacturer representative has serviced the VEGAS and filled out the manufacture's portion of the "red tag". The station representative then must call VPM Headquarters to state

the VEGAS has been repaired and the information required by the red tag has been filled out and given to the station operator. The VEGAS may then be returned to service pending the results of a follow-up audit.

## 5.4 Surveillance (COVERT AUDITS)

Covert audits will be conducted as part of the Program's quality assurance procedures. This component allows the Program Manager to determine the actual procedures used by the AIR CARE Stations. While formal auditing can test what station personnel may know, it does not necessarily test what actually occurs during inspections and repairs.

Covert Audits will not only be used to gather evidence on stations which may have been flagrantly violating the rules of the Program, but to also encourage comprehensive inspections and proper repairs. In addition, they may be used to gather data on Program operations. Each station will have a covert audit at least annually.

Covert audits are conducted to observe the procedures at an AIR CARE Station without the station's or inspector's knowledge. This may be done as a routine quality assurance procedure or as part of an investigation of alleged or suspected violation of VPM regulations and inspection procedures. These audits may be

conducted with private vehicles. All aspects, including payment, of this audit will be conducted as if the vehicle were being inspected prior to registration. Whenever possible the audit will be observed from a remote site by the a VPMD auditor. The procedure is intended to ensure that the resulting covert audit report can be admitted as evidence.

### 5.4.1 Surveillance (REMOTE AUDITS)

Remote audits are performed by the auditors, both routinely and to gather information for specific investigations. A remote audit is done by the auditor observing operations at a station from a remote site without the knowledge of the station personnel. Binoculars, cameras equipped with zoom lenses, and video cameras may be used to observe and record the activities at the station. The procedure is intended to ensure that the resulting surveillance form can be admitted as evidence.

### 5.4.2 Covert Vehicles

In order to maintain the Program's cover, a variety of vehicles will be used for covert audits. The type of vehicle chosen will depend on the planned audit.

If a vehicle is set to PASS, the goal is to determine if the station is causing a false FAIL in order to obtain the repair job. A false FAIL can be generated by inputting incorrect vehicle weights

or by probing the exhaust pipe of a car known to fail emission standards. Deliberate disablements such as secretly disconnecting spark plug wires, or misrepresenting the status of emission control components are other ways to create false FAILs.

The goal in setting a vehicle to FAIL is to determine if the station is causing a false PASS. The AIR CARE Stations have a financial incentive to test the vehicle and capture the fees in as short a time as possible. The time in the station may be minimized by performing incomplete tests during the tampering check. The surveillance will determine if station personnel: (1) omit the oxygen sensor and air injection inspection simply by leaving the hood of a vehicle closed, or (2) do not look under the car for the catalytic converter.

Auditors will insure that emission levels and particularly the PASS/FAIL condition of the vehicle is repeatable. The condition of the vehicle shall be verified prior to and immediately following a covert audit.

Depending on the audit, other documentation may be required. This may include checks and photographs of used and new equipment, i.e., spark plug gaps, plug wires or rotors. The degree of documentation necessary is dependent on what is being investigated and what is needed for successful disposition of cases and actions

resulting from audits.

### 5.4.3 Personnel

Personnel used in the audit may be anyone who is able to maintain a reasonable cover. This may include city employees, retirees, local law students, and a variety of other people.

Actual observation of inspections may or may not be necessary to document the results of covert investigations. How personnel are to conduct themselves and what data they are to collect will depend in part on the purpose of the audit. The undercover personnel can view the inspection for the following discrepancies:

- Circumvention of RPM requirements
- Leaving the hood closed
- Omitting fuel filler inlet or catalyst check
- Suggestions from station personnel that repair work is needed before a test
- Omitting visible smoke test
- Inserting probe into exhaust pipe of vehicle other than test vehicle
- Improper data recording which would impair confirmation of test results

Trained personnel may also investigate whether the procedural requirements of the Program were adhered to.

### 5.4.4 Station Selection

The selection of AIR CARE Stations for surveillance or covert auditing will follow the two following categories:

A) Periodic/Random Auditing. Auditing with a formal or informal schedule to visit all stations in the Program at least annually.

B) Target Auditing. Auditing particular stations on the basis of the frequency of complaints, discrepancies on data records (including abnormal PASS/FAIL rates and/or tampering data), customer tips, or findings at the Program referee Headquarters.

## 6. PENALTIES

### 6.1 General

Because the VPM Program has been established in accordance with Environmental Protection Agency (EPA) requirements, it is essential that all individuals observe the rules and regulations listed in the VPM Procedures Manual. In order to ensure compliance, certain penalties for noncompliance have been instituted.

Some penalties are aimed at the motor vehicle owner/operator who fails to have the mandatory emissions inspection and/or appropriate repairs and adjustments performed on an eligible motor

vehicle. Other penalties target AIR CARE Station owners/operators, AIR CARE inspectors or AIR CARE technicians who are certified to operate within the structure of the AIR CARE Program who violate the regulations and standards of the Program.

Any AIR CARE Station owner/operator, inspector or technician who has been penalized, and who feels the penalty is an error, may make an appeal to the Program Manager. If the appellant disagrees with the Program Manager's decision, he or she may appeal to the Albuquerque/Bernalillo County Air Quality Control Board (Board). Procedures for appeals and administrative hearings are listed in Section 6.5.

## 6.2 AIR CARE Stations

The owners/operators and/or employees of an AIR CARE Station shall be guilty of noncompliance with the VPM Program if any of the following occur:

- Violation of any or all of the rules and regulations set forth for AIR CARE Stations in Regulation 28 or this Procedures Manual.
- Negligence on the part of the station's owners/operators and/or employees, which may include allowing conditions deemed unsafe for the performance of inspections.
- Fraudulent activities, including adjusting or repairing a

motor vehicle in a manner which would cause it to fail an inspection test, entering false data into an approved VEGAS, inducing a customer to authorize repairs at the station through willful misrepresentation of emissions inspection requirements, performing repairs purporting to be necessary to meet program requirements but which are unrelated to the emissions inspection results, or otherwise intentionally deceiving or misleading the public or attempting to subvert the Program data.

To ensure that such violations do not occur at AIR CARE Stations, auditors from the VPM Headquarters shall perform unscheduled, unannounced inspections in addition to their regularly scheduled audits. The auditors will provide proper credentials during all official inspections, except during covert audits. However, auditors may also send vehicles through a station for inspection, without announcing themselves and without presenting credentials, as a means of determining a station's performance. (See Section 5.4)

The auditors shall also investigate allegations of violations or public complaints lodged against an AIR CARE Station and shall report their findings to the Program Manager for further possible action. If it is discovered that violations have occurred as a

result of a misunderstanding of Program rules and regulations, the Program Manager shall take appropriate action and may require re-qualification of the station's owners/operators and any employees involved. If, however, it is determined that violations were intentional, serious, or minor the Program Manager shall officially inform those individuals involved of the violations and possible disciplinary actions.

Disciplinary actions may include monetary penalties, revocation or suspension of station certification for a length of time deemed appropriate by the Program Manager.

## 6.3 AIR CARE Inspectors/AIR CARE Technicians

Any AIR CARE inspector or technician shall be guilty of noncompliance with the standards of the Program if any of the following actions occur:

- Violating any or all of the official rules and regulations applicable to AIR CARE inspectors and AIR CARE technicians as outlined in Regulation 28 or this Procedures Manual.
- Negligence, which may include failing to take corrective action or safeguards as required by the Program.
- Fraudulent activities, including adjusting or repairing a motor vehicle in a manner which would cause it to FAIL an inspection test when it should PASS or PASS when it should

FAIL; entering false data into an approved VEGAS; inducing a customer to authorize repairs at the AIR CARE inspector's or technician's place of business through willful misrepresentation of emissions inspection requirements; performing repairs purporting to be essential to emissions requirements but which are unrelated to the emissions inspection results; or otherwise intentionally deceiving or misleading the public or attempting to subvert the Program data.

To ensure that AIR CARE inspectors and technicians are upholding the standards established for this Program, auditors from VPM Headquarters will perform regularly scheduled audits, as well as unscheduled, unannounced inspections, as required by the Program Manager, to observe the performance of AIR CARE inspectors and technicians.

The auditors will also investigate alleged violations and public complaints filed against AIR CARE inspectors or AIR CARE technicians and will report their findings to the Program Manager. If it is discovered that violations have occurred as a result of a misunderstanding of the Program's rules and regulations, the Program Manager shall take corrective or enforcement actions and may require retraining/retesting of the AIR CARE inspector or technician. If,

however, it is determined that violations occurred, then the Program Manager shall officially inform the AIR CARE technician or inspector of the violations and pending disciplinary action.

Such disciplinary action may include monetary penalties, and suspension of certification for a length of time deemed appropriate by the Program Manager. Any such suspension will bar the inspector from participating directly or indirectly in any AIR CARE inspection activities. The Program Manager may decide to suspend or revoke certification if a review of the complaints, audits and investigation indicate such action is warranted, or if the technician or inspector has had certification previously suspended or revoked.

## 6.4 Motorists

For owners/operators of motor vehicles to comply with the VPM Program, they must:

(a) have non-exempt vehicles inspected after receiving inspection notification;

(b) have adequate adjustments and repairs made on vehicles failing inspection;

(c) fulfill the requirements for motor vehicles which have been granted a time extension.

Noncompliance with the Program will result in the New Mexico Motor Vehicle Division's (MVD's) refusal to re-register vehicles with the State of New Mexico. As provided by NMSA 66-3-19.E (1978 Comp., 1994 Repl. Pamph.), anyone who owns or operates a vehicle not registered with the State of New Mexico MVD shall be subject to a fine of one hundred dollars ($100.00). Late registration fees are one dollar ($1.00) per day, up to twice the registration fee.

Furthermore, anyone who does not comply with VPM Program requirements may be subject to the criminal, civil and equitable remedies provided in the New Mexico Air Quality Control Act, NMSA 74-2-1 et seq.; the City of Albuquerque Joint Air Quality Control Board Ordinance 9-5-1-99(B)(1) et seq., ROA 1994; or the Bernalillo County Joint Air Quality Control Board Ordinance No. 94-5, Section 17.A, as appropriate.

It is the motorist's responsibility to ensure the motor vehicle's mechanical safety. An AIR CARE Station has the right to refuse to inspect any vehicle which does not meet safety requirements.

## 6.5 Conferences and Settlement Agreements

At any time during an administrative hearing process, or as a result of a conference with the Program Manager or his or her designee, an AIR CARE station, inspector or technician may enter

into a written agreement with the Program Manager to resolve pending issues. Terms of an agreement may include, but are not limited to requiring an AIR CARE station, inspector or technician to reimburse a motorist for repairs made to a vehicle as a result of a false PASS or false FAIL; monetary penalties; probationary periods and conditions; and suspension of certification for a specified period of time.

If a matter is on appeal before the Board, and the appeal is dismissed as a result of the parties entering into a written agreement, the Board will be informed of the terms agreed upon.

## 6.6 Administrative Hearings/Procedures

AIR CARE inspectors, AIR CARE technicians, or the owners/operators of AIR CARE Stations may appeal a pending monetary penalty, certification suspension or revocation to the Program Manager.

Based on evidence and investigations during station audits, retests performed at VPMD Headquarters, or customer complaints, the Program Manager may impose monetary penalties, or revoke or suspend certification upon notice. An individual may request a hearing, in writing, before the Program Manager, within fifteen (15) days of receipt of the suspension or revocation notice. The Program Manager shall set a date, time, and place for the hearing. The hearing

shall be convened no more than 60 days after receipt of the request for hearing. No fewer than fifteen (15) consecutive days before the hearing, the Program Manager shall inform the charged party of the date, time, and place of the hearing. The Program Manager may appoint a hearing officer to hear the case and make recommendations to the Program Manager. At the hearing, the individual may demonstrate why the certification should not be suspended or revoked, no penalty should be assessed or the proposed decision should be modified.

Based on evidence produced by the VPM Headquarters investigation, and on the findings of the hearing, the Program Manager may dismiss the charges; affirm, reduce, increase or waive the proposed monetary penalty; suspend or revoke the certification; or otherwise modify the proposed decision. If the Program Manager has recommended suitable compensation for any damages resulting from an alleged violation, and the individual(s) or station(s) against whom the action is being taken have compensated accordingly, such fact shall be given due consideration. In determining a course of action, the Program Manager may take into account past violations and disciplinary measures taken against the station or individual.

Any individual whose monetary penalty is affirmed or whose certification is suspended or revoked may appeal the Program

Manager's decision to the Board. The appellant must deliver a written request to the Program Headquarters within fifteen (15) consecutive days after receipt of the Program Manager's decision. Based upon the record, the Board may choose to uphold or overturn the Program Manager's decision, or convene a hearing de novo. If the Board decides to convene a hearing de novo, the Board may appoint a hearing officer, and the Board shall set a date, time, and place, for the hearing and shall hold the hearing within ninety (90) days of the Board's receipt of the written request. The Board shall inform the appellant of the date, time, and place no fewer than 15 consecutive days before the hearing. The decision of the Board shall be final.

A motorist whose motor vehicle is exempt from inspection but who receives a notice to inspect, may petition the Program Manager to correct the error. The motor vehicle must be brought into the VPM Headquarters for verification of exemption. An appropriate certificate will be provided to the motorist for use during registration.

A motorist who disagrees with the results of a vehicle emissions inspection may contact the VPM Headquarters to mediate the dispute. The VPM Headquarters may provide a verification test, free of charge to the party requesting the test.

## 6.7 Categories of Violations and Infractions

Three general categories of infractions have been identified by the VPM Program. These categories have been assigned point values and will be tracked by computer for each AIR CARE Station, inspector and technician. A total of 16 points within any consecutive twelve month period, assigned against an individual or station, may result in suspension or revocation of certification. These categories are described below, and a list of examples in each category is provided. These lists are not all-inclusive, and the Program will add specific infractions to these lists in the future.

Intentional Violations:

An intentional violation is a violation resulting from actions that are knowingly performed contrary to the Albuquerque and Bernalillo County Joint Air Quality Control Ordinances, Regulation 28 of the Albuquerque/Bernalillo County Air Quality Control Board, or the Program Procedures Manual. Each intentional violation will result in issuance of 16 points, and a suspension or revocation notice of Program certification, as appropriate, for the AIR CARE inspector, AIR CARE technician, and AIR CARE Station at which the infractions occurred. The Station, the inspector and the technician are subject to monetary penalties equal to 2.5 times the estimated cost of repair of the vehicle if the intentional violation results

in a false PASS. If the intentional violation results in a false FAIL a penalty of up to $1,000 may be assessed. In addition to suspension or revocation of certification and monetary penalties, cases involving an intentional violation could be referred to the Attorney General, District Attorney or City Attorney, as appropriate, for further investigation of fraudulent acts or other acts contrary to law.

Below are some examples of Intentional Violations. The list is not all inclusive; other acts or omissions may show intent depending on the circumstances.

Examples of Intentional Violations (not all inclusive):

-Pretesting

-Performing an emissions inspection without physically examining the vehicle for emissions equipment

-Allowing a non-certified inspector to perform an inspection

-Adjusting a vehicle to be in Program non-compliance after it has passed an inspection

-Adjusting a vehicle during the test

-Guaranteeing test to PASS prior to testing the vehicle

-Using another vehicle tailpipe to read tailpipe emissions

-Pulling a plug wire to assure a FAIL

-Accepting cash for a "guaranteed" PASS

-Purchasing and/or using VIRs from sources other than the VPM Program Headquarters

-Temporarily replacing emission control devices

Serious Violations:

Serious violations are actions that occur as a result of inspector error, and which are likely to result in inaccurate test results. Serious violations will be assessed four (4) points each. Serious violations will require the station to refund the test fee and provide a free retest to the motorist. Serious violations may also result in mandatory conferences at the Program Headquarters to discuss the violation and means of assuring no future repetitions of the problem. The results of the conference will be documented and may include commitments to complete additional training. The Program may agree to vacate points if such commitments are completed successfully and on a timely manner. Mandatory conferences will be scheduled and held at the Program headquarters.

Examples of serious violations (not all inclusive):

-Wrong gross vehicle weight on trucks

-Wrong exhaust system identified

-Missed item on the visual inspection, either missing or

present

-Charging for an invalid test

-Unauthorized use of the AIR CARE TRADEMARK

-Improper storage and handling of VIRs Customer Consent Forms and data entry forms

-Not appearing for mandatory conferences

-Refusing to perform inspections for other than safety reasons

-Not retaining bottom portion of FAIL VIR

-Testing without customer consent form or data entry form

-Not posting official signs properly

-Improperly warmed up vehicle

-Identifying the test incorrectly (Initial vs. Retest)

-Lacking the required materials

-Not entering proper repair costs for retests

-Not posting fee charged for inspection

Minor Violations:

Minor violations are common errors which can be prevented by diligence and care. Each minor violation will be assessed two (2) points. Minor violations will result in formal written notices of violation.

Examples of minor violations (not all inclusive):

-Wrong vehicle identification number

-Not signing VIRs

-Not prompting the VEGAS properly

### 6.7.1 Assignment of Points

Violations and points will be assessed against the AIR CARE inspector, the AIR CARE technician, or AIR CARE Station or any combination according to responsibility. Violations committed during the inspection are the inspector's responsibility. Program violations, such as allowing or requiring an inspector to perform an improper test or allowing a non-certified individual to perform part or all of a test; improper filing and storage of Program documents, or improperly posted signs will be assessed against the station.

AIR CARE Stations may be held responsible for their inspectors' actions if evidence establishes that the inspector violations occurred due to lack of diligence or supervision by the AIR CARE Station owner or operator.

### 6.7.2 Patterns of Violations

When errors continue to occur, the level of seriousness increases. As a result, more points per violation may be assessed for a violation than indicated under Section 6.6. More severe penalties also may be imposed as a result of an AIR CARE Station,

inspector or technician committing continuing errors. Points will accumulate over a period of any consecutive twelve months. The consequences of cumulative points are as follows:

Two points = formal written Notice of Violation

Twelve points = mandatory conference, possible suspension or voluntary Settlement Agreement

Sixteen points = Notice of Intent to Suspend or Revoke

In cases of suspension, the Program Manager may consider reinstatement following a showing of affirmative corrective measures agreed to by the Program Manager and the AIR CARE Station, inspector or technician.

### 6.7.3 Appeals

Notices of Violation and other decisions of Program Quality Assurance Specialists (Auditors) may be appealed to the Program Manager. The appeal must be delivered in writing to the Headquarters within ten (10) calendar days of the receipt by the AIR CARE Station, inspector or technician of the decision or the Notice of Violation. Decisions of the Program Manager may be appealed in accordance with Board Regulation 28, Section 28.17(F) and Section 6.5 of the Procedures Manual.

### 6.7.4 Savings Clause

Any amendment of the Albuquerque/Bernalillo County VPM Program

Procedures Manual which is approved by the Board shall not affect actions pending for violation of the New Mexico Air Quality Control Act, a City or County ordinance, Board regulation, or the Procedures Manual. Prosecution or other enforcement actions for a prior violation shall be governed and prosecuted under the act, ordinance, regulation or Procedures Manual provision in effect at the time the violation was committed.

**6.7.5 Severability**

If for any reason any section, subsection, sentence, phrase, clause or word of this Procedures Manual is held by any court to be unconstitutional or otherwise invalid, the decision shall not affect the validity of remaining portions of the Procedures Manual. The Board hereby declares that it would have adopted this Procedures Manual and each section, subsection, sentence, phrase, clause or word, whether or not any one or more sections, subsections, sentences, phrases, clauses or words is declared unconstitutional or otherwise invalid.

**6.7.6 Effective Date of Procedures Manual Amendments**

The January 1995 amendments to the Procedures Manual shall be effective July 1, 1995.