PENGAD 800-631-6989
VPMD EXHIBIT
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**BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD**

**IN THE MATTER OF THE PETITION TO AMEND
MOTOR VEHICLE INSPECTION-DECENTRALIZED, 20.11.100 NMAC,
AS AMENDED THROUGH 9/1/2004, AND INCORPORATE AMENDMENTS
INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN (SIP)
FOR AIR QUALITY.**

AQCB Petition No. 2011-3

**Vehicle Pollution Management Division,
Environmental Health Department,
City of Albuquerque, Petitioner.**

TECHNICAL TESTIMONY OF VPMD MANAGER GLEN DENNIS

Mr. Dennis' testimony will focus on the substantive changes to Part 100. Most of the changes to Part 100 are simply reformatting, removing redundant sections or moving enforcement provisions from the Procedure's Manual to the regulation proper. Mr. Dennis will not testify on these changes as they are existing rule which is simply being reorganized into a more logical format.

The substantive proposed changes that Mr. Dennis will provide testimony on can be grouped into three categories: changes that affect the model year of vehicles subject to testing; changes that affect the fuel type of vehicles subject to testing; and changes to the test procedures.

1. <u>Changes affecting Model Year Subject to Testing</u>

There are three proposed changes that would affect the model year of vehicles subject to testing. Mr. Dennis will testify that these changes have no significant effect on emissions yet provide a tangible benefit to vehicle owners, the New Mexico Taxation and Revenue Department's Motor Vehicle Division (MVD), and the testing program.

The first would change the wording on the new car exemption from two registration cycles to the original intent of the exemption which was four years. This change can be found on page one line 32 of Exhibit 1a.. The average failure rate in 2010 for vehicles less than four years old was less than 2%. The current wording is penalizing vehicle owners who are not offered a two-year registration when they buy a new car or who do not take advantage of the two-year option on their first registration renewal. This confusion results in a large number of complaints to both MVD and VPMD and requires unnecessary testing of vehicles that are very unlikely to fail.

The second change would return 1975-1985 model year vehicles to a biennial test schedule consistent with the City's enabling ordinance for the test program (Exhibit 1a, page 7, lines 25-29). This was the only proposed change which was of concern to EPA Region VI but VPMD was able to address those concerns in a de-minimus demonstration (see Exhibit 5d) that the change would have no significant effect on emission reductions and any loss of reductions would be offset by other proposed enhancements to the test program. In summary, this is a small and rapidly declining number of vehicles with low annual mileage. Moreover, more than 80% of the vehicles that failed in 2010 were identified as marginal passes (more than 75% of their HC or CO standard) and would have required an annual test anyway.

Finally, at the behest of collector car enthusiasts and in order to be consistent with the State of New Mexico's "Horseless Carriage" or collector car rules, VPMD is proposing to exempt vehicles thirty-five years or older from inspection (Exhibit 1a, page 1, line 44). This would have resulted in 277 vehicles being exempted in 2010 and it is estimated the number of exemptions will average about 300 per year.

2. Changes Affecting Fuel Type Subject to Testing

The Division proposes two changes affecting fuel type. The first, involving gas/electric hybrid vehicles would be effective with the effective date of the amended regulation (Exhibit 1a, page 1, lines 48-49). Hybrids were exempted in the 2004 amendments due to technical issues involved in testing what was then a new technology. Those issues have been addressed with a relatively minor change in test procedure. Older hybrids are clearly beginning to fail and the most common failures involve the motor assist or batter pack causing the vehicles to run exclusively on small gasoline engines that were not intended or designed for continuous use.

Diesel testing would be predicated on EPA adopting a more stringent ground level ozone standard (scheduled for July 2011) and would commence on January 1st of the year following such adoption (Exhibit 1a, page 2, lines 20-22). Diesels are a significant source of both particulates and nitrous oxides but historically represented a minor component of the fleet and were difficult and expensive to test. 1998 and newer model year light duty diesels can now be tested on the existing equipment used in the program and these vehicles represent a growing segment of the vehicle population.

3. Changes Affecting Test Procedures

VPMD is proposing three minor changes to test procedure and one station requested change to allowable test platforms. This change would allow for the limited use of a mobile test van for conducting scheduled on-site OBDII testing of government, commercial and public utility fleets and licensed used car dealer inventories (Exhibit 1a, page 18, lines 12-35) with written advance notice to VPMD. It is not clear if this technology is feasible at this time but VPMD recognizes that it would provide for more efficient testing of large fleets.

VPMD proposes to discontinue the rev-up or 2500rpm smoke test for OBD tests. No vehicles are being failed for this part of the test and discontinuing it will simplify and shorten the test and remove a complicating factor in the testing of gas/electric hybrids (Exhibit 1a, page 11, lines 19-20).

VPMD proposes to require a visual tamper check for catalytic converters on all tested vehicles including OBD tests (Exhibit 1a, page 11, lines 5-6). VPMD has seen a number of OBD equipped vehicles that are missing catalytic converters but passing the OBD catalytic converter readiness test as they have been equipped with so called defeat devices and the emission control module has been reprogrammed to make the computer "see" a converter that is not there.

VPMD proposes to change the required gas cap test from vehicles that are more than four years old to a defined range of 1975-2005 model years (Exhibit 1a, page 12, line 5). This takes into account the higher sensitivity of OBD for evaporative emissions controls on 2006 and newer vehicles equipped with on-board vapor recovery and avoids testing issues with newer vehicles equipped with cap less fueling ports.

Changes Affecting Time Extensions for Individuals on Public Assistance

Finally, VPMD proposes to remove the $300 repair or estimate threshold to apply for a time extension for individuals who are on public assistance and financially incapable of paying for immediate estimates or repairs (Exhibit 1a, page 13, lines 50-51). VPMD has seen a significant increase in the number of such requests in recent years and the requirement often leads to unnecessary expense for ineffective partial repairs.