

**CHAPTER 7023**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**AIR QUALITY DIVISION**  
**MOBILE AND INDIRECT SOURCES**

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**MOTOR VEHICLES**

**7023.0100 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 7023.0100 to 7023.0120, the following words shall have the meanings defined herein.

Subp. 2. **Air pollution control system.** "Air pollution control system" means any device or element of design installed on or in any motor vehicle or motor vehicle engine in order to comply with pollutant emission restrictions established for the motor vehicle or motor vehicle engine by federal statute or regulation.

Subp. 3. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle powered by an internal combustion engine and designed for use on the public highways including, but not limited to, automobiles, trucks, and buses.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *18 SR 614*

**7023.0105 STANDARDS OF PERFORMANCE FOR MOTOR VEHICLES.**

No person shall cause or permit the emission of visible air contaminants from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten consecutive seconds.

No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:

A. in excess of 20 percent opacity for more than 20 consecutive seconds if the engine was manufactured prior to January 1, 1973; or

B. in excess of ten percent opacity for more than 20 consecutive seconds if the engine was manufactured after January 1, 1973.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *18 SR 614*

**7023.0110 STANDARDS OF PERFORMANCE FOR TRAINS, BOATS, AND CONSTRUCTION EQUIPMENT.**

No person shall cause or permit the emission of visible air contaminants from a train, boat, or construction equipment, which is powered by an internal combustion engine, in excess of the limits set forth in part 7023.0105.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *18 SR 614*

**7023.0115 EXEMPTION.**

The provisions of parts 7011.2300 and 7023.0100 to 7023.0120 do not apply to two-cycle internal combustion engines.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *18 SR 614*

**7023.0120 AIR POLLUTION CONTROL SYSTEMS RESTRICTIONS.**

No person shall remove, alter, or otherwise render inoperative any air pollution control system.

No person shall operate a motor vehicle unless all air pollution control systems are in place and in operating condition.

No person shall rent, lease, offer for sale, or in any manner transfer ownership of a motor vehicle unless all air pollution control systems are in place and in operating condition.

The requirements of this part shall not restrict or prohibit the removal of any air pollution control system for repair or replacement.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *18 SR 614*

NOTE: Minnesota Statutes, section 325E.0951, subdivision 5 provides that it supersedes this part to the extent this part is inconsistent with that section.

**ANNUAL VEHICLE INSPECTIONS****7023.1010 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in part 7005.0100 apply to the terms used in parts 7023.1010 to 7023.1105, unless the terms are defined in this part.

Subp. 2. **Agency representative.** "Agency representative" means an agency employee or contractor designated by the commissioner to conduct inspections and tests, gather information, and perform other activities related to vehicle inspection and testing.

Subp. 3. **Calibration gas.** "Calibration gas" means a gas or gas mixture of known concentration that is used to establish the response curve of an emission analyzer.

Subp. 3a. **Certificate of annual exemption.** "Certificate of annual exemption" means a certificate issued by the commissioner or contractor for the annual exemption of a vehicle from the state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 4. **Certificate of compliance.** "Certificate of compliance" means a serially numbered inspection report marked "passed" indicating a motor vehicle complies with the requirements of parts 7023.1010 to 7023.1105.

Subp. 4a. **Certificate of exemption.** "Certificate of exemption" means a certificate issued by the commissioner or contractor for the exemption of a vehicle from the state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 4b. **Certificate of temporary extension.** "Certificate of temporary extension" means a certificate issued by the commissioner or contractor for the extension of the time period for a vehicle to meet state vehicle inspection requirements as prescribed in part 7023.1070.

Subp. 5. **Certificate of waiver.** "Certificate of waiver" means a serially numbered inspection report marked "waived" indicating that a motor vehicle complies with the requirements of part 7023.1055.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subp. 7. **Constant four-wheel drive.** "Constant four-wheel drive" means four-wheel drive that cannot be converted to two-wheel drive except by removing one of the vehicle's drive shafts.

Subp. 8. **Contractor.** "Contractor" means a person, business firm, partnership, or corporation with whom the agency has a contract that provides for the operation of one or more inspection stations.

Subp. 9. **Customarily domiciled.** "Customarily domiciled" means that a vehicle, although registered to an owner residing in the metropolitan area, is kept outside the metropolitan area for a minimum of 11 months during the one-year registration renewal period and is not generally used for transportation within the metropolitan area.

Subp. 10. **Dealer.** "Dealer" has the meaning given in Minnesota Statutes, section 168.27.

Subp. 11. **Department.** "Department" means the Department of Public Safety.

Subp. 12. **Drive wheels.** "Drive wheels" means the pair of wheels that propel a vehicle.

Subp. 12a. **Dual exhaust.** "Dual exhaust" means two separate exhaust streams, one from each bank of the engine, each containing a muffler.

Subp. 13. **Emission control equipment inspection.** "Emission control equipment inspection" means the inspection of the emission control equipment conducted by the waiver surveillance inspector under part 7023.1060.

Subp. 14. **Emission inspector.** "Emission inspector" means the individual who performs the vehicular inspection for the contractor.

Subp. 15. **Exhaust emissions.** "Exhaust emissions" means substances emitted into the atmosphere from the tailpipe of a motor vehicle.

Subp. 16. **Field audit gas.** "Field audit gas" means a gas with assigned concentrations that is required to check the accuracy of emission analyzers and calibration gas used by inspection stations, fleet inspection stations, and vehicular repair facilities.

Subp. 17. **Fleet inspection station.** "Fleet inspection station" means a facility for the inspection of motor vehicle fleets operated under a permit issued by the agency under part 7023.1080.

Subp. 18. **Fleet owner.** "Fleet owner" means an owner of at least 50 subject vehicles, or two or more persons each owning 25 or more subject vehicles.

Subp. 19. **Fleet vehicle.** "Fleet vehicle" means a subject motor vehicle owned by a person holding a fleet inspection station permit.

Subp. 20. **Idle mode test.** "Idle mode test" means an exhaust emission test conducted with the vehicle at idle.

Subp. 21. **Inspection report.** "Inspection report" means a document issued by an inspection station or fleet inspection station that indicates the vehicle has been inspected in accordance with parts 7023.1010 to 7023.1105.

Subp. 22. **Inspection station.** "Inspection station" means a facility for motor vehicle inspection operated under contract with the agency.

Subp. 23. [Repealed, 18 SR 1593]

Subp. 24. [Repealed, 18 SR 1593]

Subp. 25. **Loaded mode.** "Loaded mode" means operation of a vehicle at approximately 30 miles per hour on the chassis dynamometer as prescribed in part 7023.1030, subpart 6.

Subp. 26. **Low emission adjustment.** "Low emission adjustment" means diagnostic or repair procedures that are likely to reduce carbon monoxide or hydrocarbon emissions and are included on a list established by the commissioner under part 7023.1065, subpart 4.

Subp. 27. **Metropolitan area.** "Metropolitan area" has the meaning given in Minnesota Statutes, section 473.121.

Subp. 28. **Model year.** "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer. If the manufacturer does not designate a production period, "model year" means the calendar year.

Subp. 29. **Motor vehicle or vehicle.** "Motor vehicle" or "vehicle" means a passenger automobile, station wagon, pickup truck, or van, as defined in Minnesota Statutes, section

168.011, licensed for use on the public streets and highways or a passenger automobile, station wagon, pickup truck, or van exempt from registration or fees under Minnesota Statutes, section 168.012, subdivision 1, or 437.448.

Subp. 30. **Nonfleet vehicle.** "Nonfleet vehicle" means any subject vehicle except for a subject vehicle owned by a person holding a fleet inspection station permit.

Subp. 31. **Owner.** "Owner" means "registered owner" as defined in Minnesota Statutes, section 168.011, subdivision 5a.

Subp. 32. **Registrar.** "Registrar" means the registrar or deputy registrar of motor vehicles under Minnesota Statutes, section 168.33.

Subp. 33. **Rescue vehicles.** "Rescue vehicles" means vehicles that are used for rescue operations.

Subp. 34. **Span gas.** "Span gas" means a gas of known concentration that is used routinely to set the output level of an emission analyzer.

Subp. 35. **Subject vehicle.** "Subject vehicle" means a non-tax-exempt motor vehicle registered to an owner residing in the metropolitan area or a tax-exempt motor vehicle customarily domiciled in the metropolitan area except:

A. a motor vehicle manufactured before the 1976 model year;

B. a motor vehicle with an engine manufactured for a model year before 1976;

C. a motor vehicle registered as classic, pioneer, collector, or street rod under Minnesota Statutes, section 168.10;

D. a motor vehicle powered solely by diesel fuel, electricity, natural gas, propane, pure alcohol, or hydrogen;

E. a motor vehicle powered solely by a diesel cycle engine; and

F. fire apparatus, ambulances, and rescue vehicles.

Subp. 36. **Tampering inspection.** "Tampering inspection" means the inspection of the catalytic converter and the gas cap conducted by the emission inspector under part 7023.1025.

Subp. 37. **Tax-exempt.** "Tax-exempt" means exempt from license fees under Minnesota Statutes, section 168.012, subdivision 1, or 473.448.

Subp. 38. **Waiver.** "Waiver" means the act of excusing a motor vehicle from complying with part 7023.1050, subpart 2.

Subp. 39. **Waiver surveillance inspector.** "Waiver surveillance inspector" means the agency employee or contractor charged with performing the emission control equipment inspection and approving or disapproving applications for certificates of waiver.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

## **7023.1015 INSPECTION REQUIREMENT.**

Subpart 1. **General.** In accordance with Minnesota Statutes, sections 116.60 to 116.65, and parts 7023.1010 to 7023.1105, subject vehicles shall be inspected annually at an inspection station or a fleet inspection station.

Subp. 2. **Inspection requirement.** Subject vehicles shall be inspected according to the following schedule:

A. for non-tax-exempt subject vehicles, the inspection must be completed at an inspection station or fleet inspection station as a prerequisite to registration renewal within 90 days before expiration of current registration; or

B. for tax-exempt subject vehicles, the inspection shall be completed annually:

(1) at an inspection station during the months of January and February; or

(2) at an inspection station or fleet inspection station at a time designated by the owner and approved by the commissioner.

Subp. 3. **Reinspections.** Subject vehicles exceeding the maximum allowable emission concentrations or failing the tampering inspection during the vehicle's inspection are entitled to reinspection under part 7023.1035.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1020 DESCRIPTION OF INSPECTION AND DOCUMENTS REQUIRED.**

Subpart 1. **Location and components of inspection.** An inspection shall consist of a tampering inspection and an exhaust emission test. The inspection and testing shall be performed at an inspection station or fleet inspection station.

Subp. 2. **Document requirements.** Each vehicle that is inspected at an inspection station must display a legible vehicle license plate or vehicle identification number, or be accompanied by one of the following documents that identifies the vehicle by make, model year, vehicle identification number, license plate number, and registered owner's name and address: a current Minnesota registration renewal notice, a current Minnesota registration card, or a Minnesota certificate of title.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1025 TAMPERING INSPECTION.**

Each subject vehicle shall be visually inspected for and shall be required to have an unvented fuel cap and a catalytic converter if the vehicle was equipped with these items at the time of manufacture. If an unvented fuel cap is not in place, the tampering inspection shall continue and the owner shall be advised to replace the unvented fuel cap. If the catalytic converter is not in place or is damaged, the vehicle shall fail the tampering inspection, except as provided in items C and D.

A. If the catalytic converter is not in place or is damaged as determined by visual inspection, the owner shall replace the catalytic converter. Catalytic converters shall be replaced with original manufacturer's equipment or new after-market equipment that meets the emission reduction requirements and criteria established by the United States Environmental Protection Agency.

B. In a tampering dispute, the vehicle owner or operator may elect to leave the tampering inspection area to seek proof of nontampering, such as obtaining emission control system information from another source, and return to an inspection facility with documentation and continue with the tampering inspection. The contractor may not bill the agency for an inspection upon the owner's or operator's return visit to continue the tampering inspection.

C. If the vehicle owner provides to the waiver surveillance inspector a release letter concerning the vehicle from the United States Environmental Protection Agency addressed to the United States Customs Service granting the vehicle exemption from conformity with federal emission requirements, the vehicle shall pass the tampering inspection.

D. If the vehicle owner presents satisfactory evidence and signs an affidavit certifying to the waiver surveillance inspector that the vehicle is a show car used primarily for transportation to and from and in exhibitions of show cars, and that the vehicle is not generally used for transportation, the vehicle shall pass the tampering inspection.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1030 EXHAUST EMISSION TEST.**

Subpart 1. **Procedure.** The exhaust emission testing procedure shall consist of the following procedure performed in accordance with Code of Federal Regulations, title 40, section 85.2212, as amended:

A. the vehicle shall be tested in idle mode with the transmission in neutral, or park, if appropriate;

B. the vehicle shall be tested with the engine running at normal operating temperature and not overheating, as indicated by gauge, warning light, or boiling radiator, with all accessories off;

C. the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

D. vehicles with dual exhaust pipes may be tested by simultaneous sampling both tail pipes or by sampling each tail pipe. In the latter case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

Subp. 2. **Exhaust emissions to be tested.** The emission test for subject vehicles shall consist of sampling the exhaust emissions from the vehicle tail pipe or tail pipes and measuring the concentrations of hydrocarbon as hexane, carbon monoxide, and carbon dioxide. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

Subp. 3. **Exhaust emission standards.** A motor vehicle that is subject to inspection under part 7023.1015 and Minnesota Statutes, sections 116.60 to 116.65, must not emit carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in the table in this subpart when measured in an inspection conducted under parts 7023.1010 to 7023.1105. A subject vehicle that emits carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in the table in this subpart shall fail the emission test.

TABLE OF MAXIMUM ALLOWABLE EMISSION CONCENTRATIONS

Model Year	Maximum Allowable Emission Concentrations	
	Hydrocarbon as hexane (parts per million of exhaust)	Carbon Monoxide (as a percent of exhaust)
1976-1977	600	5.5
1978-1979	400	3.5
1980	275	2.0
1981 and later	220	1.2

Subp. 4. **Grounds for prohibition of inspection.** Items A to C constitute grounds for the emission inspector to prohibit the inspection in part 7023.1020 and the entrance of the vehicle into the testing lanes:

A. the vehicle is carrying explosives or other hazardous material not used as fuel for the vehicle;

B. gasoline, oil, or other fluid leaks are apparent and constitute a safety hazard; or

C. the vehicle is being towed or is towing a trailer.

Subp. 5. **Grounds for prohibiting or invalidating the exhaust emission test.** Items A and B constitute grounds for the emission inspector to invalidate the exhaust emission test results and refuse to continue with the test until the conditions are corrected:

A. the vehicle's exhaust system has an obvious leakage or other condition that could affect the validity of the exhaust sample readings as determined by the emission inspector; or

B. the measured carbon dioxide concentration is less than four percent by volume.

Subp. 6. **Loaded mode preconditioning after failing exhaust emission test.** If the vehicle fails the exhaust emission test, the vehicle shall be preconditioned on the chassis dynamometer and the procedures and diagnostic testing shall be conducted in accordance with items A and B. After preconditioning, the vehicle shall be tested at idle according to subparts 1 to 3.

A. The loaded mode preconditioning and diagnostic analysis consist of positioning the vehicle driving wheels on a chassis dynamometer, placing an emission sampling probe into the tailpipe, and analyzing the collected exhaust sample. The analysis for hydrocarbon as hexane and carbon monoxide is for diagnostic information only.

B. Vehicles shall be tested in the following manner:

(1) vehicles shall be run in drive for automatic transmissions and third gear for manual transmissions;

(2) during the loaded mode, the vehicle's engine shall be run at a constant throttle position to maintain the cruising speed for at least 30 seconds;

(3) the vehicle speed of 30 plus or minus two miles per hour as measured from the dynamometer idle roll shall be used for all loaded conditions to provide appropriate diagnostic information for vehicles that fail the emission test;

(4) the vehicle shall be tested with the engine running at normal operating temperature and not overheating, as indicated by gauge, warning light, or boiling radiator, with all accessories turned off;

(5) the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

(6) vehicles with dual exhaust pipes shall be tested by simultaneous sampling both tail pipes or by sampling each tail pipe. In the latter case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

**Subp. 7. Grounds for omitting loaded mode preconditioning.** The following constitute grounds for the emission inspector to omit the loaded mode preconditioning on a vehicle:

A. the vehicle has a driving wheel with a tire having less than 2/32 inch of tread or with metal protuberances or with obviously low tire pressure, as determined by superficial visual inspection; or

B. any other condition that in the opinion of the vehicle emission inspector precludes the use of loaded mode preconditioning for reasons of health and safety or damage, or both, to personnel, facilities, equipment, or the vehicle.

**Subp. 8. When loaded mode preconditioning shall be omitted.** Loaded mode preconditioning shall be omitted if:

A. the person presenting the vehicle for inspection refuses loaded mode preconditioning;

B. the vehicle is unable to attain the speed specified in subpart 6, item B, subitem (3);

C. the vehicle is equipped with constant four-wheel drive;

D. the vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the emission inspector; or

E. the vehicle is driven by a person who refuses to yield the driver's seat to the emission inspector.

**Subp. 9. Alternate preconditioning.** A vehicle for which loaded mode preconditioning is omitted under subpart 7 or 8 shall be preconditioned by completing items A to D.

A. the vehicle's transmission shall be placed in neutral, or park, if appropriate;

B. the vehicle's engine speed shall be increased to 2,500 plus or minus 300 revolutions per minute as measured by a tachometer;

C. the speed in item B shall be maintained for at least 30 seconds; and

D. the vehicle engine speed shall be returned to idle.

After preconditioning, the vehicle shall be tested at idle as described in subparts 1 to 3.

**Subp. 10. Reconstructed (KIT) vehicles.** All reconstructed (KIT) subject vehicles shall be tested for compliance with the exhaust emission standards in the table in subpart 3, using the standards applicable to the year of manufacture of the engine installed in the vehicle.

**Subp. 11. Exchanged engines.** For the purposes of parts 7023.1010 to 7023.1105, a motor vehicle with an exchanged engine must be tested as described in items A to C.

A. Except as provided in item B, a motor vehicle must be tested for compliance with the exhaust emission standards in the table in subpart 3, using the standards applicable to the model year of the vehicle's chassis.

B. A vehicle manufactured in model year 1991 or older that has received an exchanged or rebuilt engine, or other vehicle made from manufactured kit bodies (KIT cars), must be tested for compliance with the exhaust emission standards in the table in subpart 3, using the standards applicable to the model year of the vehicle's chassis, unless the owner of the vehicle complies with the procedure in item C.

C. If a motor vehicle described in item B has not been inspected, or if it has been inspected and failed to meet the emission standards in the table in subpart 3, using the standards applicable to the model year of the vehicle's chassis, the agency representative upon request by the motorist shall certify the year the engine was manufactured by checking the

identification number of the engine block and by reviewing documentation provided by the vehicle owner. The vehicle must be tested for compliance with the exhaust emission standards in the table in subpart 3, using the year of the engine as certified by the agency representative. If the identification number on the block of the engine is absent and the vehicle owner is unable to provide documentation as to the engine year, the vehicle must be tested for compliance with the exhaust emission standards for model year 1976. If the agency representative determines that the engine was manufactured prior to 1976, the motor vehicle is not a subject vehicle.

Classification of a motor vehicle with an exchanged engine under parts 7023.1010 to 7023.1105, and receipt of a certificate of compliance or certificate of waiver for the motor vehicle shall not exempt the owner of the motor vehicle from the requirements of part 7023.0120 and Minnesota Statutes, section 325E.0951.

**Statutory Authority:** *MS s 116.62; 116.92*

**History:** *14 SR 905; 17 SR 440; 18 SR 614; 18 SR 1593*

### **7023.1035 REINSPECTIONS.**

Vehicles that fail the inspection under parts 7023.1020 to 7023.1030 shall be allowed reinspection after repair or adjustment of the vehicle.

A. A vehicle failing the inspection may be reinspected at any inspection station after the vehicle has been repaired under part 7023.1050.

B. The vehicle shall be accompanied by its previous inspection reports and repair information. The repair information must be completed by the person performing the repairs and shall be indicated in the space provided on the inspection report form.

C. The vehicle presented for reinspection shall have both a tampering inspection conducted as provided for in part 7023.1025 and an emission test conducted as provided for in part 7023.1030.

D. A vehicle shall be eligible for no more than two reinspections unless the owner pays an additional fee under part 7023.1105, subpart 2.

E. If the vehicle passes the reinspection, the contractor shall issue a vehicle inspection report under part 7023.1040 and certificate of compliance under part 7023.1045. The certificate of compliance and the inspection report may be combined into a single form.

F. If the vehicle cannot pass the reinspection, the contractor shall issue a vehicle inspection report under part 7023.1050 indicating noncompliance. The owner may then be eligible to apply for a certificate of waiver under part 7023.1055. If the owner requests a certificate of waiver, the waiver surveillance inspector shall review the request and shall approve or deny the request in accordance with part 7023.1055.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

### **7023.1040 VEHICLE INSPECTION REPORT.**

Subpart 1. **Required items.** The owner or operator of each vehicle inspected shall be provided with a vehicle inspection report at the time of each inspection. The vehicle inspection report shall be a design approved by the commissioner and shall provide space for the following information:

- A. license plate number;
- B. vehicle identification number;
- C. model year of vehicle;
- D. model year of engine;
- E. make of vehicle;
- F. vehicle type;
- G. odometer reading, in thousands of miles;
- H. maximum allowable exhaust emission concentrations;
- I. exhaust emission measurements of hydrocarbon as hexane, carbon monoxide, and carbon dioxide;



- J. statement of pass/fail or valid/not valid, or waiver and the reasons, if applicable;
- K. inspection/reinspection number for subject vehicle;
- L. date and time of inspection;
- M. serial number of report;
- N. inspection station number, lane, inspector, and analyzer number;
- O. reason for test termination before completion of test;
- P. description of the low emission adjustment that is likely to reduce a vehicle's carbon monoxide and hydrocarbon emissions;
- Q. tampering inspection and results;
- R. for a failed vehicle:
  - (1) serial number of the previous test reports;
  - (2) for a post-1980 model year vehicle, certification that the test was performed in accordance with the emission control system performance warranty short test;
  - (3) for a nonfleet vehicle, the printed name or identification number of an individual who either performed the test or has actual knowledge of the performance of the test, or for a fleet vehicle, the signature of the individual who performed the test; and
  - (4) diagnostic information, as appropriate;
- S. itemization of the repairs performed (repair actions or parts replacement may be coded);
- T. cost of the emission-related repairs, or estimated cost of the emission-related repairs required if the repairs exceed the maximum specified repair cost, and cost of the low emission adjustment;
- U. analyzer serial or identification number, if used by the individual performing the repairs;
- V. idle exhaust emission concentrations of hydrocarbon as hexane, carbon monoxide, carbon dioxide, and oxygen, if an analyzer is used when making repairs;
- W. complete name, address, telephone number, and federal identification number or social security number of the business or person making the repairs; and
- X. date and signature of the person making the repairs.

Subp. 2. **Responsibility for completion of form.** The contractor shall be responsible for the completion of subpart 1, items A to R, for all vehicles tested by the contractor. The person performing the repairs or making the cost estimates shall be responsible for completion of subpart 1, items S to X.

Subp. 3. **Inspection report supplement.** The owner or operator of each vehicle failing the initial inspection shall receive an inspection report supplement, approved by the commissioner, containing:

- A. the repair cost limit for emission-related repairs;
  - B. a description of low emission adjustment list;
  - C. the probable causes of noncompliance if diagnostic information is provided;
- and
- D. instructions for waiver applications if failure of reinspection has occurred.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

#### **7023.1045 CERTIFICATE OF COMPLIANCE.**

A certificate of compliance must be issued by an inspection station or fleet inspection station to a subject vehicle that passes the tampering inspection and exhaust emission test.

The certificate of compliance shall be presented to the owner by personnel employed by the inspection station, fleet inspection station, or by the waiver surveillance inspector, as appropriate, upon receipt of the final vehicle inspection report indicating that the vehicle is in compliance with parts 7023.1010 to 7023.1105. The certificate of compliance shall be of a design approved by the department and the commissioner and shall contain, at a minimum, the date of the test and the vehicle identification number to uniquely identify the vehicle. The

owner shall present the certificate of compliance to the department when making application for registration renewal.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614*

### **7023.1050 VEHICLE NONCOMPLIANCE AND REPAIR.**

Subpart 1. **Tampering inspection.** If the subject vehicle fails the tampering inspection or reinspection under part 7023.1025 or 7023.1035, the contractor shall issue an inspection report that indicates noncompliance.

A subject vehicle that fails its tampering inspection shall not be eligible to have its registration renewed unless:

- A. the owner replaces the catalytic converter under part 7023.1025;
- B. the person completing the repairs has properly completed the repair portion of the vehicle inspection report form;
- C. the person completing the repairs has signed the repair portion of the inspection report form; and
- D. the vehicle passes the tampering reinspection.

Subp. 2. **Exhaust emission test.** If the subject vehicle fails the exhaust emission test or retest under part 7023.1030 or 7023.1035, the contractor shall issue an inspection report that indicates noncompliance.

A subject vehicle that fails its exhaust emission test shall not be eligible to have its registration renewed until items A to D have been completed or a certificate of waiver has been issued under part 7023.1055:

- A. the owner repairs or adjusts the vehicle to reduce carbon monoxide and hydrocarbon as hexane emissions in accordance with the inspection report form and its supplement under part 7023.1040;
- B. the person completing the repairs has completed the repair portion of the vehicle inspection report form;
- C. the person completing the repairs has signed the repair portion of the vehicle inspection report form; and
- D. the vehicle passes the exhaust emission retest.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

### **7023.1055 CERTIFICATE OF WAIVER.**

Subpart 1. **Eligibility.** A vehicle, including a fleet vehicle, that has failed its initial exhaust emission test and at least one exhaust emission retest is eligible for a waiver, valid for no longer than the annual registration period, if it meets the following criteria:

A. the vehicle has failed to meet the appropriate standards of compliance for hydrocarbon as hexane or carbon monoxide emissions on its initial test and at least one exhaust emission retest after repair of the vehicle;

B. for post-1980 model year vehicles whose mileage is less than 50,000 miles and whose age is less than five years, the vehicle owner presents a signed statement from an appropriate new car dealership stating that the vehicle is not eligible for emission control system warranty work;

C. the owner or an automotive repair technician has diagnosed and attempted to repair the vehicle to pass reinspection, including interrogation of appropriate on board diagnostic systems;

D. except as provided in item E, the owner presents satisfactory evidence to the waiver surveillance inspector that a low emission adjustment, as described in part 7023.1065, subpart 4, as appropriate according to the exhaust emission test results, has been performed on the vehicle after the initial exhaust emission test;

E. the owner presents satisfactory evidence to the waiver surveillance inspector that either of the following exceeds the repair cost limit under part 7023.1065, as modified by part 7023.1055, subpart 2, item B:

(1) the actual cost of the low emission adjustment as appropriate to the exhaust emission test results on the inspection report form; or

(2) the actual cost under subitem (1) plus the actual or estimated cost of additional repairs or adjustments necessary to bring the vehicle into compliance with exhaust emission standards;

F. the owner complies with evidence requirements under part 7023.1065;

G. the person performing the repairs or preparing the estimate completes all parts of the repair portion of the vehicle inspection report form and signs the report form; and

H. the vehicle passes the tampering inspection under part 7023.1025 or 7023.1035, if applicable, and emission control equipment inspection under part 7023.1060.

**Subp. 2. Waivers following repairs by persons other than automotive repair technicians.**

A. In cases in which a person other than an automotive repair technician, including an owner, attempts to repair a vehicle, the person must take the actions listed on the low emission adjustment list, as appropriate according to the exhaust emission test results, and attempt to diagnose and perform other repairs necessary to bring the vehicle into compliance as if the vehicle were being presented for repair to an automotive repair technician.

B. In cases where a person other than an automotive repair technician attempts repair or in cases where there is no charge for the labor of vehicle repair, the repair cost limit of part 7023.1065 must be reduced solely by the expenditure for emission-related parts including parts on the low emission adjustment list. The owner shall comply with evidence requirements under part 7023.1065.

**Subp. 3. Waiver documentation review.** The waiver surveillance inspector's duties in reviewing waiver requests consist of the provisions in items A to E.

A. To deny the issuance of a waiver to a vehicle unable to pass the emission control equipment inspection required by part 7023.1060.

B. To determine whether the vehicle should qualify for warranty repairs under applicable federal law. If so, the waiver surveillance inspector shall determine whether the owner has a signed statement from an appropriate new car dealership stating that the vehicle is not eligible for emission control system warranty work. The statement shall be signed and dated by the new car dealership after the vehicle failed its initial inspection and shall identify the vehicle and the dealership. If the owner has a statement conforming to these requirements, it shall be delivered to the waiver surveillance inspector who shall proceed with the remainder of the waiver duties described in items C to E. If the owner does not have a statement conforming to these requirements, no waiver shall be issued.

C. To verify that the repair and waiver documentation presented by the owner is properly completed and that the documents indicate that the waiver criteria have been met. The inspector shall also verify that the repair facility name and location are legible.

D. To issue a certificate of waiver if all waiver criteria have been met.

E. If a waiver has been requested but not all criteria have been met, explain to the owner what criteria are not satisfied and how they may be met. The agency shall provide printed explanations of the waiver process and criteria that the inspector will distribute to owners who are denied a waiver.

**Subp. 4. Form of certificate of waiver.** The owner of a vehicle granted a waiver shall receive a certificate of waiver, which shall be proof of compliance with part 7023.1055. Each valid certificate of waiver shall contain, at a minimum, the date of the test and the vehicle identification number to uniquely identify the vehicle.

The certificate of waiver and the vehicle inspection report printed by an automated emission testing system may be combined into a single form. The owner shall present the certificate of waiver to the department when making application for registration renewal.

**Subp. 5. Waiver due to technical difficulties.** The waiver surveillance inspector shall issue a waiver for a vehicle that cannot be subjected to the inspection required by parts 7023.1010 to 7023.1105 because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, of the vehicle. A copy of the waiver shall be retained for the agency's use.

A vehicle that, in the opinion of an automotive repair technician employed by a fleet station, cannot be inspected because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, or because of limitations of the fleet station's inspection equipment, shall be referred to the waiver surveillance inspector or the agency. The waiver surveillance inspector shall indicate concurrence on that vehicle's inspection report by signature if the inspector or the agency concurs that a waiver due to technical difficulties should be issued for the vehicle. The fleet station automotive repair technician shall then issue a certificate of waiver. A copy of the waiver shall be returned for the agency's use.

Subp. 6. [Repealed, 18 SR 1593]

**Statutory Authority:** *MS s 116.62*

**History:** 14 SR 905; 18 SR 614; 18 SR 1593

### **7023.1060 EMISSION CONTROL EQUIPMENT INSPECTION AS A CONDITION OF WAIVER.**

Subpart 1. **Emission control equipment inspection.** If a certificate of waiver is requested under part 7023.1055, the vehicle shall be checked by the waiver surveillance inspector for obvious tampering with the emission control equipment. The waiver surveillance inspector shall visually inspect for obvious tampering, removal, or disassembly of parts. At a minimum, the waiver surveillance inspector shall check if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in control of air pollution in violation of part 7023.0120 or Minnesota Statutes, section 325E.0951.

Subp. 2. **Failure of emission control equipment inspection.** Except for vehicles described in part 7023.1025, item C or D, the vehicle shall fail the emission control equipment inspection if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in the control of air pollution in violation of part 7023.0120 or Minnesota Statutes, section 325E.0951.

Subp. 3. **Repair or replacement.** The owner shall repair or replace any elements of the factory-installed motor vehicle pollution control system that are not in place as identified in subpart 1 unless the vehicle is a vehicle described in part 7023.1025, item C or D.

Subp. 4. **Tampering dispute.** In a tampering dispute, the vehicle owner or operator may elect to leave the inspection area to seek proof of nontampering, such as obtaining emission control system information from another source, and return to an inspection facility with documentation and continue with the inspection. The contractor must not bill the agency for an emission control equipment inspection upon the owner's or operator's return visit.

**Statutory Authority:** *MS s 116.62*

**History:** 14 SR 905; 18 SR 614; 18 SR 1593

### **7023.1065 REPAIR COST LIMIT AND LOW EMISSION ADJUSTMENT.**

Subpart 1. **Cost limit.** The repair cost limit is \$75 for vehicles of model years before 1981 and \$200 for vehicles of 1981 and later model years.

Subp. 2. **Exclusions.** In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

A. costs covered by a warranty; and/or

B. costs necessary to repair or replace any emission control part or parts that have been removed, dismantled, or rendered inoperative in violation of part 7023.0120 or Minnesota Statutes, section 325E.0951.

Subp. 3. **Evidence of repair cost.** Except as provided in part 7023.1055, subpart 2, item B, the cost of repair or estimate of the cost of repair under this part is eligible to be credited to the repair cost limit when applying for a waiver if the owner presents to the waiver surveillance inspector a legible and itemized receipt for parts replaced and labor, provided that the costs relate to the emission control system. The receipt must have a legible date and the date must be after the vehicle failed its initial inspection. The waiver surveillance inspector shall be responsible for examining receipts for such items and determining which costs are eligible to be credited toward the repair costs limit. The eligible total cost shall be indicated on the vehicle inspection report form.

Subp. 4. **Low emission adjustment.** The commissioner shall establish a list of diagnostic and repair procedures that are likely to reduce a vehicle's carbon monoxide and hydrocarbon exhaust emissions. The commissioner shall modify the list to reflect changes in motor vehicle technology.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

## **7023.1070 CERTIFICATE OF TEMPORARY EXTENSION, CERTIFICATE OF ANNUAL EXEMPTION, AND CERTIFICATE OF EXEMPTION.**

### **Subpart 1. Certificate of temporary extension.**

A. An owner of a subject vehicle requiring registration renewal may apply in writing to the commissioner or contractor for a certificate of temporary extension. The vehicle owner shall sign the application and certify that the information contained in the application is correct.

B. An owner must meet one or more of the following criteria for a temporary extension:

(1) the vehicle will not be available, due to the vehicle's absence or storage, or the owner's absence or illness, for an inspection in the state during the 90-day period before registration expiration. The owner must document that for these reasons the vehicle or owner will not be available for inspection during the 90-day period before the registration expiration and state when the vehicle will be operated again within the metropolitan area;

(2) the vehicle has failed the initial inspection and additional time is needed for repair and reinspection;

(3) the vehicle registration has been expired for at least 12 months or more; or

(4) the vehicle owner presents satisfactory evidence which, in the judgment of the commissioner or contractor, demonstrates that due to circumstances beyond the owner's control, the owner could not have met the requirements of parts 7023.1010 to 7023.1105 prior to registration expiration.

C. Upon finding that the owner meets one or more of the criteria in item B, the commissioner or contractor shall issue a certificate of temporary extension to the vehicle owner. The certificate shall allow the owner to proceed with vehicle registration renewal.

D. An owner of a vehicle who has received a certificate of temporary extension shall have the vehicle inspected:

(1) during the 90-day period preceding the registration renewal date;

(2) by an inspection station outside Minnesota which, in the judgment of the commissioner, performs inspections equivalent to those established in parts 7023.1010 to 7023.1105; or

(3) on or before the inspection due date indicated on the certificate of temporary extension.

E. The owner shall submit the certificate of temporary extension to the registrar when making application for registration renewal. A certificate of temporary extension shall not be valid for longer than the annual registration period. The registrar shall forward all certificates of temporary extension to the agency within ten days after the end of the calendar month in which the certificates are received.

F. If the owner who has received a certificate of temporary extension has the vehicle inspected at an inspection station outside of Minnesota, the owner shall submit evidence of the inspection to the commissioner or contractor within 30 days of commencement of the operation of the vehicle in the metropolitan area.

G. If the owner of the subject vehicle fails to comply with items D to F, the agency shall notify the department of such noncompliance and shall request the department not to renew the owner's registration unless the vehicle has been issued a certificate of compliance or certificate of waiver prior to registration or renewal.

H. If the owner fails to comply with items D to F, the owner of the subject vehicle shall not be eligible to receive a certificate of temporary extension for the next annual registration period.

I. If a dispute arises regarding whether the owner has complied with items D to F, the owner may elect to present evidence of compliance to the commissioner or contractor within 30 days of notification from the commissioner or contractor that the owner has failed to comply with items D to F. The commissioner or contractor shall review the evidence. The commissioner or contractor shall approve or disapprove the application for the certificate of temporary extension.

**Subp. 2. Certificate of annual exemption.**

A. An owner whose subject vehicle is customarily domiciled outside of the metropolitan area may apply in writing to the commissioner or contractor for a certificate of annual exemption. The owner must document where the vehicle is customarily domiciled. The owner shall sign the application and certify that the information contained in the application is correct.

B. Upon approval of the application by the commissioner or contractor, the owner shall submit the certificate of annual exemption to the registrar when making application for registration renewal. A certificate of annual exemption shall not be valid for longer than the annual registration period.

**Subp. 3. Certificate of exemption.**

A. An owner whose vehicle is registered by the department as a subject vehicle but meets the requirements of part 7023.1010, subpart 35, item B, D, or E, may apply in writing to the commissioner or contractor for a certificate of exemption.

B. The owner shall complete and sign the application for a certificate of exemption and have the vehicle certified as meeting the requirements of part 7023.1010, subpart 35, item B, D, or E, at any vehicle inspection station.

C. Upon approval by the commissioner or contractor, the certificate shall be presented to the registrar when making application for registration renewal. The certificate of exemption is valid until the vehicle no longer meets the requirements of part 7023.1010, subpart 35, item B, D, or E.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1075 EVIDENCE OF MEETING STATE INSPECTION REQUIREMENTS.**

Either of the documents listed in items A and B shall be accepted by the department, the agency, and the registrar as evidence that a subject vehicle is in compliance with the requirements of parts 7023.1010 to 7023.1105, unless there is reason to believe that it is a false document:

A. a certificate of compliance or certificate of waiver issued by an inspection station or fleet inspection station; or

B. a certificate of annual exemption or certificate of exemption, as provided in part 7023.1070.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1080 FLEET INSPECTION STATION PERMITS, PROCEDURES, AND INSPECTION.**

**Subpart 1. Permit application.** A registered owner of a fleet of 50 or more subject vehicles may apply to the agency for a permit to establish a fleet inspection station. Two or more persons each owning 25 or more subject vehicles may apply jointly for a fleet inspection station permit. The agency must not issue a fleet inspection station permit unless the agency finds that the applicant maintains an established facility that meets the requirements in items A and B.

A. The applicant shall provide a facility with a building or a portion of a building devoted principally to maintaining or repairing the fleet's motor vehicles on a regular basis. The facility shall be of sufficient space to conduct maintenance or repair of at least one fleet motor vehicle.

B. At a minimum, the applicant shall own or lease:

(1) a hydrocarbon, as hexane, and carbon monoxide emission analyzer that meets or exceeds the equipment specifications for performance warranty short tests in Code of Federal Regulations, title 40, section 85.2215, as amended, and employ an automotive repair technician to conduct the required inspections; and

(2) tools necessary for the installation, adjustment, repair, or replacement of items in the low emission adjustment list.

**Subp. 2. Permits.**

A. Before the initial application for a fleet inspection station permit is approved, an application fee must be paid to the agency as provided in part 7023.1105 and an inspection of the premises shall be made by the agency.

B. A fleet inspection station permit shall expire one year from the date of issuance.

C. A permitted fleet inspection station shall not inspect or certify vehicles unless the vehicles are owned by the fleet owner.

D. An application for renewal of a fleet inspection station permit must be submitted to the agency at least 45 days before permit expiration.

E. A fleet inspection station permit is only applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner wishes to have a permit for inspection facilities at more than one address, separate permits must be obtained for each facility.

F. A fleet inspection station permit issued by the agency is not transferable.

G. If a permittee desires to change the name or address on a permit and the changes do not involve a change of ownership, the permittee shall return the permit to the agency for cancellation and submit an application form for a new permit to the agency, along with an application fee as provided in part 7023.1105. The agency shall cancel the returned permit and issue a new permit.

H. A fleet inspection station whose permit has been revoked, suspended, or has expired shall immediately cease the activity requiring a permit.

I. In the event of loss, destruction, or mutilation of the permit, the permittee may obtain a duplicate upon furnishing satisfactory proof of the fact. A fleet inspection station that loses a fleet station permit issued by the agency and finds the original after obtaining a duplicate shall immediately surrender the original permit to the agency.

J. A fleet inspection station that does not employ an automotive repair technician to conduct the inspections shall immediately cease to operate as a fleet inspection station. The permittee shall immediately notify the agency if it has ceased to employ an automotive repair technician and that it has ceased to operate as a fleet station.

K. When a fleet inspection station permit is surrendered, suspended, or revoked, all unused vehicle inspection report forms must be returned to the agency.

L. Surrender, suspension, or revocation of a permit shall not prevent the agency from carrying out investigative or enforcement actions against the permittee for violations of state statutes, rules, or conditions of the permit.

**Subp. 3. Equipment and records.**

A. All testing equipment and instrumentation must be maintained in good condition. Periodic calibration and maintenance of testing equipment must be accomplished under performance short test specifications in Code of Federal Regulations, title 40, section 85.2217, as amended. Recommendations by the commissioner for calibration and intervals between calibration shall be a condition of the fleet inspection station permit and shall supersede all other conflicting recommendations.

B. A record of calibrations performed on each instrument shall be maintained by the fleet inspection station, indicating the date and signature of the technician performing the calibration.

C. The fleet inspection station equipment, span gases, records, and premises shall be subject to scheduled and unscheduled checks for accuracy and condition by an agency representative.

D. The applicant or permittee shall provide information relevant to the operation of the fleet inspection station to the agency if requested by the commissioner.

Subp. 4. **Inspection frequency.** All fleet vehicles for which a fleet inspection station permit has been issued shall be inspected by the fleet station automotive repair technician according to the schedule in part 7023.1015.

Subp. 5. **Test procedure.** The tampering inspection and exhaust emission test shall be conducted on fleet vehicles by a fleet inspection station automotive repair technician under parts 7023.1015 to 7023.1030 with the exception of part 7023.1030, subpart 6. If the fleet vehicle fails the exhaust emission test, the vehicle shall be preconditioned according to either the procedure in part 7023.1030, subpart 6, or if the fleet inspection station does not have a dynamometer, the procedure in part 7023.1030, subpart 9. The idle speed of each tested vehicle shall be adjusted to manufacturer's specifications if it deviates from the specified value by more than plus or minus 75 revolutions per minute.

Subp. 6. **Vehicle inspection reports.** Inspection reports must be issued and processed by the fleet inspection station according to items A to H.

A. A vehicle inspection report shall be completed, marked "passed," and issued for each vehicle passing the inspection.

B. Vehicle inspection reports that are incorrect shall have corrections authenticated and initialed by the automotive repair technician conducting the inspection. Voided or unusable reports and certificates shall be returned to the agency.

C. Only the fleet station automotive repair technician may sign a fleet vehicle inspection report.

D. Upon completion of the tampering inspection, exhaust emission test, and the vehicle inspection report, the original copy of each completed fleet vehicle inspection report must be forwarded to the agency within two weeks of completion of the inspection.

E. A legible copy of each completed vehicle inspection report must be retained by the fleet station conducting the inspection for a minimum period of 24 months after inspection.

F. The completed vehicle inspection report marked "passed" or "waived" shall be accepted as evidence that the vehicle is a fleet-inspected vehicle and has met the requirements of parts 7023.1010 to 7023.1105 if the vehicle registration has not expired.

G. Vehicle inspection report forms shall be obtained from the agency for a fee specified in part 7023.1105. If the number of vehicles to be inspected by the fleet inspection station is reduced after receipt of the report forms and before their use, the excess report forms shall be returned to the agency or used in later years.

H. The fleet inspection station permittee is responsible for the security and accountability of the vehicle inspection report forms. If the vehicle inspection report forms are lost or stolen, the fleet station operator shall notify the agency in writing within 24 hours of discovery of the loss and indicate the number of report forms and the serial number of the report forms. Refusal or failure to report lost report forms are grounds for revoking a fleet station permit.

Subp. 7. **Fleet audit.** Upon request of the commissioner, a fleet inspection station permittee shall submit vehicles designated by the commissioner numbering five percent of the fleet or five motor vehicles annually, whichever is greater, but no more than 25 vehicles, for inspection at inspection stations operated by the contractor or inspection by the agency.

Subp. 8. **Analyzer inspections.** A fleet station emission analyzer shall not be used for an exhaust emission test under part 7023.1030 if it does not pass the agency's field audit gases within the tolerances prescribed in part 7023.1090, if there is a leak in the sampling system or the calibration port, or if the sample handling system is restricted. An agency representative shall inform the fleet station automotive repair technician that the analyzer does not meet the requirements of this subpart. The analyzer must not be used for testing fleet vehicles until the agency representative determines that the analyzer meets the requirements of this subpart.

A fleet inspection station may lease or borrow an emission analyzer for temporary use for fleet testing while the station's approved analyzer is being repaired, provided that an agency representative has approved its use.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*



**7023.1085 INSPECTION STATIONS TESTING FLEET VEHICLES.**

A. Inspection stations may provide inspection services to a holder of a fleet inspection station permit.

B. Vehicle inspection reports must be filled out at the time of inspection by an inspection station in the same manner required for nonfleet vehicles.

C. The holder of the fleet inspection station permit is responsible for maintaining records and reports required by part 7023.1080.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1090 EXHAUST GAS ANALYZER SPECIFICATIONS; CALIBRATION AND QUALITY CONTROL.**

A. Exhaust gas analyzers used at inspection stations and fleet inspection stations must comply with the requirements of Code of Federal Regulations, title 40, part 51, subpart S, Appendix D, as amended, entitled "Steady-State Short Test Equipment."

B. Exhaust gas analyzers used at inspection stations and fleet inspection stations must be maintained according to the quality assurance requirements of Code of Federal Regulations, title 40, part 51, subpart S, Appendix A, as amended, entitled "Calibration Adjustments and Quality Control."

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1095** [Repealed, 18 SR 1593]

**7023.1100 PUBLIC NOTIFICATION.**

A. The department shall notify each registered owner of a motor vehicle required to be inspected under parts 7023.1010 to 7023.1105 before the time of each annual registration renewal that the vehicle will be required to satisfy the requirements of parts 7023.1015 to 7023.1030. The agency shall also attempt to notify all nonregistered tax-exempt vehicle owners of the requirements of inspection.

B. The agency or the contractor shall establish a system to respond to inquiries from members of the public regarding the compliance status of a subject vehicle under the program including last inspection date, whether a certificate of compliance, certificate of waiver, certificate of extension, certificate of annual exemption, or certificate of exemption has been issued, and the reason for the certificate.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

**7023.1105 INSPECTION FEES.**

Subpart 1. **Inspection fee.** Beginning October 10, 1989, the fee for inspection at an inspection station must not exceed \$10. The fee must be paid to the registrar for subject vehicles at the time of reregistration. After that, the commissioner shall annually establish the inspection fee at an amount of up to \$10. At least 30 days' notice shall be given to the registrar of changes in the fee.

Deputy registrars shall report to the department certificates of extension, annual exemption, and exemption, along with registrations made and inspection fees collected in the same manner required for registrations under Minnesota Statutes, section 168.33, subdivision 2.

Subp. 2. **Reinspections; elective inspections.**

A. The inspection fee shall entitle an owner to an initial inspection and two reinspections. The commissioner shall establish a fee for each third and subsequent reinspection. The fee must not be more than \$10 and shall be paid to the registrar or contractor by the owner.

B. Each elective inspection not required by parts 7023.1010 to 7023.1105 shall be allowed only upon approval of the commissioner or contractor. The commissioner shall es-

establish a fee for each elective inspection. The fee must not be more than \$10 and must be paid to the contractor by the owner.

**Subp. 3. Fleet inspection stations.**

A. The fee due upon initial application for a permit for a fleet inspection station as required in part 7023.1080, subpart 2, shall be \$200.

B. The fee due upon application for permit renewals shall be \$100.

C. The agency shall charge a fee of \$1.50 for each inspection report form requested under part 7023.1080, subpart 6, item G.

**Subp. 4. Use of funds.** Fees collected under this part must be deposited in the vehicle emission inspection account under Minnesota Statutes, section 116.65. Fees collected by deputy registrars are subject to deposit requirements in Minnesota Statutes, section 168.33, subdivision 2.

**Statutory Authority:** *MS s 116.62*

**History:** *14 SR 905; 18 SR 614; 18 SR 1593*

### INDIRECT SOURCE PERMITS

#### 7023.9000 SCOPE.

Parts 7001.0010 to 7001.0210 and 7023.9000 to 7023.9050 govern application procedures for and the issuance and conditions of indirect source permits. Chapter 7000 and parts 7001.0010 to 7001.0210 and 7023.9000 to 7023.9050 shall be construed to complement each other.

**Statutory Authority:** *MS s 14.06; 116.07*

**History:** *8 SR 2277; 18 SR 614; 19 SR 1310*

#### 7023.9005 DEFINITIONS.

**Subpart 1. Statutes and other rules.** The definitions in Minnesota Statutes, section 116.06; parts 7001.0010, 7011.0010 to 7011.0027, and chapter 7005 apply to terms in parts 7023.9000 to 7023.9050 unless the terms are defined in subparts 3 to 6.

**Subp. 2. Scope.** As used in parts 7023.9000 to 7023.9050, the following terms have the meanings given them.

**Subp. 3. Associated parking area.** "Associated parking area" means a parking facility or facilities owned or operated in conjunction with an indirect source.

**Subp. 4. Highway project.** "Highway project" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multiyear highway improvement program.

**Subp. 5. Indirect source.** "Indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a state standard. Indirect sources include, but are not limited to:

- A. highways and roads;
- B. parking facilities;
- C. retail, commercial, and industrial facilities;
- D. recreation, amusement, sports, and entertainment facilities;
- E. airports;
- F. office and government buildings;
- G. apartment and condominium buildings; and
- H. education facilities.

**Subp. 6. Metropolitan area.** "Metropolitan area" means the city limits of Duluth and all contiguous incorporated areas in Minnesota; the city limits of Moorhead and all contiguous incorporated areas in Minnesota; the city limits of Saint Cloud and all contiguous incorporated areas; Rochester and all area within the boundaries of Olmsted County; and the Twin Cities metropolitan area including Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

**Subp. 7. To commence construction.** "To commence construction" means to engage in a continuous program of construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this subpart, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be considered in determining whether a construction or modification program is continuous.

**Subp. 8. To commence modification.** "To commence modification" means to engage in a continuous program of modification, including site clearance, grading, dredging, or land filling in preparation for a specific modification of the indirect source.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; 18 SR 614

### **7023.9010 PERMIT REQUIREMENT.**

**Subpart 1. In general.** Except as provided in parts 7023.9015 and 7023.9020, no person may cause or allow the construction or modification of any of the indirect sources listed in subparts 2 to 5 without first obtaining a permit from the agency. If an indirect source is constructed or modified in increments that individually do not require a permit and that are not part of a program of construction or modification in planned incremental phases for which a permit has been issued by the agency, the increments commenced after December 31, 1974, must be added together to determine the applicability of the requirement to obtain a permit.

**Subp. 2. Parking facilities.** Parking facilities:

A. a new parking facility, or other new indirect source with an associated parking area, which has a new parking capacity of 2,000 cars or more; or

B. a modified parking facility, or a modification of an associated parking area, which increases parking capacity by 1,000 cars or more, or which increases total parking capacity to 2,000 cars or more.

**Subp. 3. Highways.** Highways:

A. a new highway project wholly within or partially within a metropolitan area with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of the completion of construction; or

B. a modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after completion of the modification.

**Subp. 4. Airports.** Airports: a new or modified airport construction which will result in the generation of more than 1,000,000 passengers per year on regularly scheduled air carriers and commercial charter flights within ten years after completion of construction.

**Subp. 5. Other sources.** Other sources: an indirect source for which the results of an assessment prepared under part 7023.9020 indicate that a permit is required.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; 18 SR 614

### **7023.9015 EXEMPTIONS.**

**Subpart 1. In general.** The owner or operator of an indirect source listed in subparts 2 to 7 is exempt from the requirement to obtain an indirect source permit.

**Subp. 2. Existing sources.** Existing sources: indirect sources that were in operation on February 18, 1975.

**Subp. 3. Sources under construction.** Sources under construction: indirect sources for which construction was commenced prior to January 1, 1975.

**Subp. 4. Parking facilities.** Parking facilities:

A. a new parking facility, or other new indirect source with an associated parking area, which has a new parking capacity of fewer than 1,000 cars; or

B. a modified parking facility, or a modification of an associated parking area, which increases parking capacity by fewer than 500 cars, provided that the conditions of part 7023.9010, subpart 2, item B are not exceeded.

Subp. 5. **Airports.** Airports: a new or modified airport construction that will result in the generation of fewer than 500,000 passengers per year on regularly scheduled air carriers and commercial charter flights within ten years after completion of construction.

Subp. 6. **Highways.** Highways: highway projects that are wholly outside a metropolitan area.

Subp. 7. **Other sources.** Other sources: indirect sources constructed as part of the Minnesota Implementation Plan to Achieve Carbon Monoxide Ambient Air Quality Standards, specifically the parking ramps constructed by the city of Minneapolis on the fringe of the Minneapolis central business district.

**Statutory Authority:** *MS s 116.07*

**History:** 8 SR 2277; 18 SR 614

### 7023.9020 ASSESSMENT.

Subpart 1. **In general.** For all indirect sources not described in parts 7023.9010 and 7023.9015, the necessity for an indirect source permit shall be determined according to the air quality assessment procedure set forth in subpart 3. No person may cause or allow the construction of an indirect source for which an assessment is required until the assessment has been completed to the satisfaction of the commissioner. If the commissioner determines that a permit application is required, the application must be made in accordance with part 7023.9030.

Subp. 2. **Assessment information.** To perform the air quality assessment the following information is required:

A. The highest existing peak daily traffic count on the busiest segment of a public road or highway located within one-fourth mile from a point on the property line of the indirect source. This segment of public road or highway shall be referred to as the "busiest roadway."

B. The highest projected peak daily traffic attracted to the proposed indirect source construction or modification occurring at a time during the one-year period immediately following the construction or modification.

C. The highest projected peak daily traffic on the busiest roadway during the one-year period immediately following the construction or modification, not including traffic attracted to the proposed indirect source.

Subp. 3. **Assessment procedure.** The commissioner shall make a determination as to whether a permit is required based on the following:

A. A comparison of existing busiest roadway traffic volume to volume likely to result in a violation of the one-hour carbon monoxide standard. If 12 percent of the traffic volume determined pursuant to subpart 2, item A is greater than or equal to 2,500 vehicles per hour, a permit is required and completion of the remainder of the assessment procedure is not required; if it is less, the procedure in item B must be followed.

B. A comparison of existing busiest roadway traffic volume to volume likely to result in a violation of the eight-hour carbon monoxide standard. If 60 percent of the traffic volume determined under subpart 2, item A is greater than or equal to 5,000 vehicles per eight hours, a permit is required and completion of the remainder of the assessment procedure is not required; if it is less, the procedure in item C must be followed.

C. A comparison of projected busiest roadway and source-attracted traffic to volume likely to result in a violation of the one-hour carbon monoxide standard. If 12 percent of the sum of the traffic volumes determined under subpart 2, items B and C is greater than or equal to 5,000 vehicles per hour, a permit is required and completion of the remainder of the assessment procedure is not required; if it is less, the procedure in item D must be followed.

D. A comparison of projected busiest roadway and source-attracted traffic volumes to volume likely to result in a violation of the eight-hour carbon monoxide standard. If 60 percent of the sum of the traffic volumes determined under subpart 2, items B and C is greater than or equal to 7,500 vehicles per eight hours, a permit is required. If it is less, then no permit is required.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; L 1987 c 186 s 15; 18 SR 614

**7023.9025 CIRCUMVENTION.**

No person may circumvent the requirements of parts 7023.9000 to 7023.9050 by causing or allowing a pattern of ownership or development to occur over a geographic area which, except for the pattern of ownership or development, would otherwise require an indirect source permit.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *8 SR 2277; 18 SR 614*

**7023.9030 CONTENTS OF PERMIT APPLICATION.**

**Subpart 1. In general.** A person who applies for an indirect source permit shall submit to the commissioner the information required by part 7001.0050. In addition, the applicant shall submit to the commissioner the information required by subpart 2 and, where applicable, the information required by subparts 3 and 4. If approval is sought for an indirect source to be constructed in incremental phases, the applicant shall submit the information required by this part for each phase of the construction project at the time of the initial application.

**Subp. 2. Information required for all indirect sources.** All applicants for an indirect source permit shall submit the following:

A. a description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated in it;

B. a site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site;

C. an identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source;

D. an estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified under item C located within one-fourth mile of all boundaries of the site;

E. availability of existing and projected mass transit to service the site;

F. any additional information or documentation that the commissioner or agency deem necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data for carbon monoxide at the proposed site prior to construction or modification. If the commissioner requires the applicant to perform air quality monitoring for carbon monoxide at the proposed site, the commissioner shall not require the applicant to perform monitoring for a period of more than 14 days.

**Subp. 3. Information required for airports.** An applicant for an indirect source permit for an airport shall submit the following:

A. an estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth, and tenth years after the date of expected completion;

B. a description of the commercial, industrial, residential, and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion; and

C. expected passenger loadings at the airport.

**Subp. 4. Information required for highway projects.** An applicant for an indirect source permit for a highway project shall submit the following:

A. a description of the average and maximum traffic volumes for one-, eight-, and 24-hour time periods expected within ten years of date of expected completion;

B. an estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project;

C. a map showing the location of the highway project, including the location of buildings along the right-of-way; and

D. a description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; L 1987 c 186 s 15; 18 SR 614

#### **7023.9035 DETERMINATION OF AIR QUALITY IMPACT OF INDIRECT SOURCE.**

Subpart 1. **Concentrations of carbon monoxide.** The agency shall determine, by evaluation of information submitted by the applicant, the reasonableness of anticipated concentrations of carbon monoxide at reasonable receptor or exposure sites that will be affected by the mobile source activity expected to be attracted by the indirect source. For a highway, the agency shall determine, by evaluation of information submitted by the applicant, the reasonableness of anticipated concentrations of carbon monoxide at reasonable receptor or exposure sites that will be affected by the mobile source activity expected on the highway for the ten-year period following the expected date of completion. For the purposes of this part "reasonable receptor or exposure sites" means locations where people might reasonably be exposed to carbon monoxide for time periods corresponding to time periods referenced in Minnesota ambient air quality standards.

Subp. 2. **Analytic method.** In estimating anticipated carbon monoxide concentrations the applicant shall use the methods set forth in Code of Federal Regulations, title 40, section 52.22 (b)(4)(ii) (1982).

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; 18 SR 614

#### **7023.9040 FINAL DETERMINATION.**

The agency shall issue a permit to construct or modify an indirect source if the agency determines that the indirect source will not:

A. violate a control strategy of the Minnesota Implementation Plan to Achieve National Ambient Air Quality Standards; or

B. violate state standards for carbon monoxide in a region or portion thereof.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; 18 SR 614

#### **7023.9045 PERMIT CONDITIONS.**

Subpart 1. **Special conditions.** An indirect source permit issued by the agency must contain conditions necessary for the permittee to achieve compliance with all applicable Minnesota or federal statutes or rules. These conditions may include, but are not limited to:

A. binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction over them;

B. binding commitments by the owner or operator to specific programs for mass transit and paratransit incentives for the employees and patrons of the source; and

C. binding commitments by the owner or operator to construct, modify, or operate the indirect source to achieve the traffic flow characteristics necessary to prevent violations of carbon monoxide ambient air quality standards.

Subp. 2. **General condition.** An indirect source permit issued by the agency must contain the general condition that approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of the approval. The agency may extend this time period upon a satisfactory showing that an extension is justified. The applicant may apply for an extension at the time of initial application or at any time thereafter.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** 8 SR 2277; 18 SR 614

#### **7023.9050 MINOR MODIFICATION OF PERMIT.**

In addition to the corrections or allowances listed in part 7001.0190, subpart 3, the commissioner upon obtaining the consent of the permittee may modify an indirect source permit

without following the procedures in parts 7001.0100 to 7001.0130 if the commissioner determines that the modification would not result in an increase in carbon monoxide of greater than one part per million with respect to the eight-hour carbon monoxide standard, that the modification would not result in an increase in carbon monoxide of greater than three parts per million with respect to the one-hour carbon monoxide standard, and that the modification would not result in a violation of the carbon monoxide standard established in parts 7009.0010 to 7009.0080.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *8 SR 2277; L 1987 c 186 s 15; 18 SR 614*