

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

APR 14 1999

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-046

AN ORDER to repeal NR 485.04, Table 1, (5); to amend NR 485.04, Table 1, (4); and to repeal and recreate NR 485.04, Table 3, (1) (a), (2) (a) and (3) (a), relating to emission limitations for motor vehicles.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-10-99 RECEIVED BY LEGISLATIVE COUNCIL.
04-07-99 REPORT SENT TO AGENCY.

RNS:JES:rv;kjf

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

Report to
Legislative Council Rules Clearinghouse
NR 485, Wis. Adm. Code
Natural Resources Board Order No. AM-16-99

Wisconsin Statutory Authority

ss. 227.11(2)(a), 285.11(1) and 285.30(2), Stats., interpreting ss. 285.11(6) and 285.30(2), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The proposed rule will revise the motor vehicle emission limitations in Table 1 of s. NR 485.04. These emission limitations (cutpoints) are used in the state's motor vehicle inspection and maintenance (I/M) program which is operating in the 7 southeastern Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha. Under the current rule, the final phase of cutpoints is scheduled to take effect on December 1, 1999. This final phase implements more restrictive cutpoints for model year 1980-1986 cars, 1984-1986 light trucks and 1979-1986 heavy trucks. The proposed rule will repeal the final phase of cutpoints in the current rule for these 3 vehicle categories and indefinitely extend the time period covered by the next-to-final phase in the current rule.

The main impact of the revision is the prevention of many costly repairs to older vehicles. While there will be an increase in volatile organic compound (VOC) emissions under this proposal, the increase will be small and can be offset by other control measures such as autobody refinishing controls or by improving compliance with I/M program requirements through more stringent vehicle licensing requirements.

The proposed rule will also adjust some of the fast-pass cutpoints in Table 3 of s. NR 485.04 to reflect the most recent U.S. EPA technical guidance. This should reduce the average time of the emission test.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Chris Bovee, Bureau of Air Management - 266-5542
Tom Steidl, Bureau of Legal Services - 266-0235
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on March 9, 1999

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject
Motor Vehicle Emission Limitations

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- | | | |
|---|---|--|
| <p>1. <input type="checkbox"/> Increase Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts</p> |
|---|---|--|

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
None

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF RULE - The proposed rule will revise the motor vehicle emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code. These emission limitations ("cutpoints") are used in the state's motor vehicle inspection and maintenance (I/M) program, which is operating in the seven southeastern Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha.

Under the current rule, the final phase of cutpoints in Table 1 of s. NR 485.04, Wis. Adm. Code, is scheduled to take effect on December 1, 1999. This final phase implements more restrictive cutpoints for model year 1980-1986 cars, 1984-1986 light trucks, and 1979-1986 heavy trucks.

The proposed rule will repeal the final phase of cutpoints in the current rule and indefinitely extend the time period covered by the next-to-final phase in the current rule. As a result of this revision, the cutpoints for all vehicle categories will indefinitely remain at the levels currently in use.

The proposed rule will also revise some of the fast-pass cutpoints in Table 3 of s. NR 485.04, Wis. Adm. Code, to reflect the most recent U.S. Environmental Protection Agency technical guidance.

FISCAL IMPACT - The proposed rule is not expected to have a fiscal effect on either state government or local governments. Since the proposed rule relaxes the cutpoints for December 1, 1999, and later for certain categories of older vehicles, after November 30, 1999, fewer older vehicles would fail the I/M inspection under the proposed rule than under the current rule. For example, during the two year period of December 1999 through November 2001, about 11,000 fewer vehicles are projected to fail under the proposed rule than under the current rule. However, this reduction in failures is not expected to change the state's cost for administering the I/M program. Also, since very few, if any, vehicles owned by state or local governments are in the 1979 to 1986 model year range, the proposed rule is not expected to reduce the costs expended by state or local governments to repair the vehicles that fail the I/M inspection.

Long-Range Fiscal Implications
None anticipated.

Agency/Prepared by: (Name & Phone No.)
Department of Natural Resources
Christopher P. Bovee, AM/7, 608/266-5542

Authorized Signature/Telephone No.
Joe Polasek, 266-2794

Date
1-25-99

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, AMENDING AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 485.04, Table 1, (5); to amend NR 485.04, Table 1, (4); and to repeal and recreate NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) relating to emission limitations for motor vehicles.

AM-16-99

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2)(a) and 285.11^{ok}(1) and 285.30^{ok}(2), Stats.

Statutes interpreted: s. 285.11^{ok}(6) and 285.30^{ok}(2), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

The proposed rule will revise the motor vehicle emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code. These emission limitations are used in the state's motor vehicle emission inspection and maintenance (I/M) program which is operating in seven southeastern Wisconsin counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha).

Under the current rule, the final phase of emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, are scheduled to take effect on December 1, 1999. This final phase implements more restrictive emission limitations for model year 1980 to 1986 light-duty vehicles (passenger cars), 1984 to 1986 light-duty trucks, and 1979 to 1986 heavy-duty trucks. For the other vehicles, the emission limitations in the final phase are identical to the emission limitations in the next-to-final phase (the "current" phase for inspections conducted between December 1, 1998 and November 30, 1999).

The proposed rule will repeal the final phase of emission limitations in the current rule and indefinitely extend the time period covered by the next-to-final phase in the current rule. (That is, the next-to-final phase of emission limitations in the current rule will, in the revised rule, apply to inspections conducted on and after December 1, 1998).

The proposed rule will also revise some of the fast-pass emission limitations in Table 3 of s. NR 485.04, Wis. Adm. Code, to reflect the most recent U.S. Environmental Protection Agency technical guidance.

SECTION 1. NR 485.04, Table 1, (4) is amended to read:

NR 485.04, Table 1, (4) MOTOR VEHICLES INSPECTED BETWEEN ON AND AFTER
DECEMBER 1, 1998 ~~AND NOVEMBER 30, 1999.~~

SECTION 2. NR 485.04, Table 1, (5) is repealed.

SECTION 3. NR 485.04, Table 3, (1)(a), (2)(a) and (3)(a) are repealed and recreated to read:

Hc exhaust emission

h.c

NR 485.04, Table 3, (1)(a) Motor vehicles having composite hydrocarbon emission limitations in Table 1 of at least 0.60 grams/mile but less than 0.80 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.093	N/A	83	0.247	N/A
31	0.095	N/A	84	0.250	N/A
32	0.097	N/A	85	0.252	N/A
33	0.101	N/A	86	0.254	N/A
34	0.105	N/A	87	0.257	N/A
35	0.110	N/A	88	0.260	N/A
36	0.113	N/A	89	0.263	N/A
37	0.115	N/A	90	0.267	N/A
38	0.117	N/A	91	0.269	N/A
39	0.120	N/A	92	0.270	N/A
40	0.124	N/A	93	0.272	N/A
41	0.127	N/A	94	0.275	N/A
42	0.129	N/A	95	0.278	N/A
43	0.130	N/A	96	0.279	N/A
44	0.133	N/A	97	0.282	N/A
45	0.148	N/A	98	0.291	N/A
46	0.150	N/A	99	0.297	N/A
47	0.156	N/A	100	0.304	N/A
48	0.166	N/A	101	0.308	N/A
49	0.174	N/A	102	0.308	N/A
50	0.176	N/A	103	0.309	N/A
51	0.179	N/A	104	0.310	N/A
52	0.180	N/A	105	0.316	N/A
53	0.182	N/A	106	0.321	N/A
54	0.185	N/A	107	0.323	N/A
55	0.187	N/A	108	0.341	N/A
56	0.189	N/A	109	0.344	0.012
57	0.196	N/A	110	0.347	0.014
58	0.203	N/A	111	0.348	0.017
59	0.207	N/A	112	0.350	0.019
60	0.209	N/A	113	0.351	0.019
61	0.210	N/A	114	0.353	0.020
62	0.212	N/A	115	0.366	0.021
63	0.212	N/A	116	0.385	0.023
64	0.213	N/A	117	0.404	0.026
65	0.214	N/A	118	0.421	0.028
66	0.215	N/A	119	0.433	0.028
67	0.216	N/A	120	0.435	0.029
68	0.218	N/A	121	0.440	0.031
69	0.221	N/A	122	0.446	0.032
70	0.222	N/A	123	0.452	0.033
71	0.224	N/A	124	0.458	0.034
72	0.225	N/A	125	0.461	0.034
73	0.227	N/A	126	0.468	0.034
74	0.228	N/A	127	0.471	0.036
75	0.230	N/A	128	0.474	0.037
76	0.231	N/A	129	0.478	0.037
77	0.231	N/A	130	0.481	0.040
78	0.231	N/A	131	0.482	0.041
79	0.236	N/A	132	0.483	0.042
80	0.240	N/A	133	0.484	0.044
81	0.243	N/A	134	0.485	0.044
82	0.245	N/A	135	0.488	0.044

Second	Composite (grams)	Phase 2 (grams)
136	0.494	0.045
137	0.497	0.045
138	0.500	0.045
139	0.501	0.048
140	0.503	0.049
141	0.504	0.049
142	0.506	0.049
143	0.509	0.051
144	0.511	0.052
145	0.513	0.053
146	0.515	0.053
147	0.516	0.054
148	0.518	0.055
149	0.519	0.056
150	0.521	0.057
151	0.522	0.058
152	0.524	0.058
153	0.525	0.059
154	0.527	0.059
155	0.528	0.060
156	0.530	0.062
157	0.531	0.064
158	0.533	0.066
159	0.534	0.066
160	0.537	0.070
161	0.563	0.077
162	0.588	0.087
163	0.604	0.093
164	0.630	0.099
165	0.640	0.103
166	0.656	0.129
167	0.677	0.151
168	0.683	0.153
169	0.686	0.162
170	0.687	0.178
171	0.689	0.191
172	0.698	0.200
173	0.711	0.208
174	0.737	0.216
175	0.764	0.229
176	0.770	0.239
177	0.776	0.253
178	0.788	0.258
179	0.806	0.262
180	0.813	0.273
181	0.824	0.280
182	0.841	0.284
183	0.849	0.291
184	0.864	0.314
185	0.871	0.322
186	0.876	0.324
187	0.881	0.326
188	0.886	0.328

Second	Composite (grams)	Phase 2 (grams)
189	0.891	0.339
190	0.902	0.348
191	0.914	0.358
192	0.925	0.370
193	0.938	0.383
194	0.941	0.395
195	0.944	0.406
196	0.949	0.413
197	0.960	0.415
198	0.970	0.416
199	0.976	0.418
200	0.985	0.420
201	0.993	0.427
202	0.999	0.438
203	1.006	0.443
204	1.018	0.448
205	1.031	0.453
206	1.044	0.456
207	1.056	0.459
208	1.067	0.463
209	1.075	0.466
210	1.082	0.469
211	1.090	0.482
212	1.097	0.490
213	1.101	0.497
214	1.103	0.504
215	1.106	0.508
216	1.109	0.517
217	1.111	0.521
218	1.113	0.521
219	1.115	0.523
220	1.118	0.527
221	1.120	0.531
222	1.128	0.537
223	1.142	0.544
224	1.160	0.547
225	1.162	0.554
226	1.172	0.562
227	1.181	0.568
228	1.184	0.569
229	1.188	0.574
230	1.192	0.574
231	1.193	0.574
232	1.197	0.575
233	1.199	0.575
234	1.203	0.576
235	1.208	0.577
236	1.209	0.577
237	1.210	0.577
238	1.211	0.578
239	1.211	0.580

CO emissions limitations

NR 485.04, Table 3, (2)(a) Motor vehicles having composite carbon monoxide emission limitations in Table 1 of at least 10.0 grams/mile but less than 15.0 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.462	N/A	83	1.485	N/A
31	0.515	N/A	84	1.491	N/A
32	0.558	N/A	85	1.495	N/A
33	0.567	N/A	86	1.508	N/A
34	0.569	N/A	87	1.514	N/A
35	0.571	N/A	88	1.523	N/A
36	0.600	N/A	89	1.533	N/A
37	0.640	N/A	90	1.539	N/A
38	0.689	N/A	91	1.551	N/A
39	0.713	N/A	92	1.553	N/A
40	0.717	N/A	93	1.554	N/A
41	0.722	N/A	94	1.563	N/A
42	0.735	N/A	95	1.565	N/A
43	0.741	N/A	96	1.570	N/A
44	0.743	N/A	97	1.597	N/A
45	0.771	N/A	98	1.634	N/A
46	0.896	N/A	99	1.672	N/A
47	0.988	N/A	100	1.727	N/A
48	1.020	N/A	101	1.773	N/A
49	1.028	N/A	102	1.833	N/A
50	1.035	N/A	103	1.942	N/A
51	1.047	N/A	104	2.108	N/A
52	1.063	N/A	105	2.113	N/A
53	1.089	N/A	106	2.131	N/A
54	1.123	N/A	107	2.192	N/A
55	1.126	N/A	108	2.279	N/A
56	1.129	N/A	109	2.391	0.115
57	1.133	N/A	110	2.397	0.119
58	1.149	N/A	111	2.427	0.163
59	1.235	N/A	112	2.493	0.183
60	1.248	N/A	113	2.579	0.192
61	1.248	N/A	114	2.585	0.200
62	1.248	N/A	115	2.623	0.216
63	1.267	N/A	116	2.677	0.227
64	1.278	N/A	117	2.707	0.237
65	1.296	N/A	118	2.709	0.240
66	1.333	N/A	119	2.719	0.245
67	1.373	N/A	120	2.760	0.252
68	1.376	N/A	121	2.790	0.267
69	1.384	N/A	122	2.799	0.280
70	1.403	N/A	123	2.803	0.318
71	1.411	N/A	124	2.808	0.330
72	1.417	N/A	125	2.821	0.348
73	1.420	N/A	126	2.865	0.356
74	1.425	N/A	127	2.896	0.359
75	1.435	N/A	128	2.907	0.361
76	1.447	N/A	129	2.911	0.363
77	1.459	N/A	130	2.913	0.364
78	1.467	N/A	131	2.915	0.364
79	1.475	N/A	132	2.957	0.367
80	1.475	N/A	133	3.015	0.378
81	1.481	N/A	134	3.016	0.381
82	1.481	N/A	135	3.017	0.405

Second	Composite (grams)	Phase 2 (grams)
136	3.021	0.423
137	3.023	0.439
138	3.028	0.449
139	3.035	0.455
140	3.036	0.469
141	3.036	0.478
142	3.036	0.486
143	3.036	0.495
144	3.036	0.508
145	3.036	0.510
146	3.036	0.510
147	3.036	0.512
148	3.036	0.514
149	3.036	0.516
150	3.036	0.524
151	3.037	0.542
152	3.037	0.543
153	3.043	0.546
154	3.075	0.549
155	3.223	0.553
156	3.801	0.578
157	3.894	0.680
158	4.113	0.713
159	4.447	0.932
160	4.950	1.000
161	5.586	1.062
162	6.432	1.253
163	7.279	1.887
164	8.105	2.111
165	8.487	2.496
166	8.554	3.095
167	8.595	3.402
168	8.621	3.610
169	9.135	3.937
170	9.426	4.157
171	9.976	4.351
172	10.469	4.459
173	10.835	4.669
174	11.271	4.950
175	11.770	5.600
176	12.013	5.654
177	12.233	5.898
178	12.447	6.046
179	12.648	6.078
180	12.819	6.124
181	13.415	6.267
182	13.603	6.549
183	13.836	7.046
184	14.456	7.463
185	14.637	7.555
186	15.100	7.699
187	15.326	7.911
188	15.690	8.172

Second	Composite (grams)	Phase 2 (grams)
189	15.917	8.258
190	16.012	8.361
191	16.309	8.600
192	16.457	8.655
193	16.621	8.674
194	16.792	8.693
195	16.979	8.778
196	17.085	8.867
197	17.164	8.924
198	17.233	8.973
199	17.316	9.045
200	17.427	9.098
201	17.483	9.215
202	17.559	9.386
203	17.698	9.463
204	17.879	9.579
205	18.035	9.680
206	18.262	9.773
207	18.334	9.911
208	18.421	9.961
209	18.535	10.152
210	18.635	10.242
211	18.803	10.248
212	19.029	10.315
213	19.331	10.458
214	19.333	10.630
215	19.337	10.687
216	19.387	10.754
217	19.521	10.971
218	19.655	11.012
219	19.823	11.250
220	19.869	11.327
221	19.881	11.353
222	19.898	11.390
223	19.908	11.463
224	19.915	11.511
225	20.005	11.522
226	20.084	11.546
227	20.085	11.587
228	20.085	11.652
229	20.139	11.652
230	20.209	11.654
231	20.215	11.672
232	20.217	11.729
233	20.245	11.744
234	20.274	11.806
235	20.277	11.808
236	20.285	11.809
237	20.287	11.810
238	20.301	11.845
239	20.325	11.934

NR 485.04, Table 3, (3)(a) *Motor vehicles having composite oxides of nitrogen emission limitations in Table 1 of at least 1.5 grams/mile but less than 2.0 grams/mile.*

Second	Composite (grams)	Second	Composite (grams)
30	0.125	83	0.536
31	0.133	84	0.543
32	0.141	85	0.553
33	0.161	86	0.560
34	0.174	87	0.561
35	0.180	88	0.561
36	0.182	89	0.561
37	0.184	90	0.561
38	0.185	91	0.561
39	0.185	92	0.561
40	0.188	93	0.561
41	0.195	94	0.561
42	0.208	95	0.561
43	0.233	96	0.561
44	0.246	97	0.561
45	0.257	98	0.561
46	0.269	99	0.563
47	0.280	100	0.573
48	0.287	101	0.592
49	0.289	102	0.617
50	0.300	103	0.650
51	0.308	104	0.679
52	0.326	105	0.694
53	0.348	106	0.716
54	0.354	107	0.739
55	0.360	108	0.745
56	0.368	109	0.746
57	0.375	110	0.747
58	0.380	111	0.758
59	0.382	112	0.771
60	0.384	113	0.776
61	0.387	114	0.783
62	0.389	115	0.794
63	0.392	116	0.806
64	0.397	117	0.810
65	0.400	118	0.810
66	0.401	119	0.811
67	0.405	120	0.818
68	0.413	121	0.822
69	0.422	122	0.833
70	0.431	123	0.842
71	0.441	124	0.851
72	0.450	125	0.854
73	0.452	126	0.854
74	0.453	127	0.854
75	0.460	128	0.854
76	0.468	129	0.854
77	0.485	130	0.854
78	0.488	131	0.854
79	0.494	132	0.854
80	0.505	133	0.854
81	0.522	134	0.854
82	0.530	135	0.854

Second	Composite (grams)
136	0.870
137	0.881
138	0.887
139	0.898
140	0.917
141	0.941
142	0.954
143	0.965
144	0.978
145	0.980
146	0.984
147	0.988
148	0.991
149	0.994
150	0.996
151	0.999
152	1.004
153	1.008
154	1.013
155	1.018
156	1.024
157	1.034
158	1.061
159	1.100
160	1.136
161	1.169
162	1.193
163	1.231
164	1.289
165	1.333
166	1.374
167	1.439
168	1.479
169	1.510
170	1.575
171	1.650
172	1.688
173	1.703
174	1.726
175	1.739
176	1.751
177	1.762
178	1.790
179	1.817
180	1.847
181	1.877
182	1.909
183	1.940
184	1.970
185	2.005
186	2.062
187	2.103
188	2.138

Second	Composite (grams)
189	2.171
190	2.198
191	2.228
192	2.265
193	2.308
194	2.349
195	2.389
196	2.414
197	2.451
198	2.474
199	2.513
200	2.555
201	2.600
202	2.623
203	2.636
204	2.638
205	2.639
206	2.642
207	2.659
208	2.678
209	2.700
210	2.714
211	2.729
212	2.765
213	2.799
214	2.843
215	2.875
216	2.918
217	2.949
218	2.970
219	2.998
220	3.010
221	3.026
222	3.029
223	3.038
224	3.050
225	3.053
226	3.054
227	3.054
228	3.055
229	3.055
230	3.055
231	3.055
232	3.056
233	3.056
234	3.056
235	3.056
236	3.057
237	3.057
238	3.057
239	3.057

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

State of Wisconsin
Department of Natural Resources

JUL 20 1999

NOTICE TO PRESIDING OFFICERS

JUL 20 1999

OF PROPOSED RULEMAKING

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. AM-16-99

Legislative Council Rules Clearinghouse Number 99-046

Subject of Rules Emission limitations for
motor vehicles.

Date of Transmittal to Presiding Officers July 19, 1999

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LC/5, 101 South Webster**

266-1959

REPORT TO LEGISLATURE

NR 485, Wis. Adm. Code
Emission limitations for motor vehicles

Board Order No. AM-16-99
Clearinghouse Rule No. 99-046

Statement of Need

The proposed rule will revise the motor vehicle emission limitations in Table 1 of s. NR 485.04. These emission limitations (cutpoints) are used in the state's motor vehicle inspection and maintenance (I/M) program which is operating in the 7 southeastern Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha.

Under the current rule, the final phase of cutpoints is scheduled to take effect on December 1, 1999. This final phase implements more restrictive cutpoints for model year 1980-1986 cars, 1984-1986 light trucks and 1979-1986 heavy trucks. The proposed rule will repeal the final phase of cutpoints in the current rule for these 3 vehicle categories and indefinitely extend the time period covered for the next-to-final phase in the current rule.

The main impact of this revision is the prevention of many costly repairs to older vehicles. While there will be an increase in volatile organic compound (VOC) emissions under this proposal, as compared to the emission reductions projected from the current rule, the increase can be offset by other control measures such as autobody refinishing controls or by other elements of the I/M program such as its training of repair technicians to more effectively repair vehicles.

The proposed rule will also adjust some of the fast-pass cutpoints in Table 3 of s. NR 485.04 to reflect the most recent U.S. EPA technical guidance. This should reduce the average time of the emission test.

Modifications as a Result of Public Hearing

There were no modifications as a result of the public hearing.

Appearances at the Public Hearing and Their Position

No one appeared at the public hearing.

Response to Legislative Council Rules Clearinghouse Report

No comments or recommendations were made by the Rules Clearinghouse.

Final Regulatory Flexibility Analysis

The proposed rule does not have a significant economic impact on a substantial number of small businesses. Small businesses that own vehicles subject to the I/M program have been and will continue to be affected by the I/M program in the same way that individual vehicle owners are affected. The proposed rule will not impose any new requirements on small businesses.

The proposed rule may affect small businesses that repair motor vehicles that fail the I/M inspection. Under the current rule, the demand on these businesses for I/M repairs would increase after more restrictive cutpoints take effect on December 1, 1999. Under the proposed rule, however, these more restrictive cutpoints would not take effect. Thus, no abrupt change in the demand for I/M repairs should occur.

The vehicle repair community has not expressed any concern to the Department regarding any loss of demand resulting from the proposed rule. On the contrary, some members of the vehicle repair community have recommended no further tightening of the cutpoints currently in use for vehicles of model years 1980 to 1986.

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
REPEALING, AMENDING AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board adopts an order to **repeal** NR 485.04 Table 1 (5); to **amend** NR 485.04 Table 1 (4) (intro.); and to **repeal and recreate** NR 485.04 Table 3 (1) (a), (2) (a) and (3) (a) relating to emission limitations for motor vehicles.

AM-16-99

Analysis Prepared by the Department of Natural Resources

Authorizing statutes: ss. 227.11(2) (a) and 285.11(1) and 285.30(2), Stats.

Statutes interpreted: s. 285.11(6) and 285.30(2), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

The proposed rule will revise the motor vehicle emission limitations for hydrocarbons, carbon monoxide and oxides of nitrogen in Table 1 of s. NR 485.04, Wis. Adm. Code. These emission limitations are used in the state's motor vehicle emission inspection and maintenance (I/M) program which is operating in seven southeastern Wisconsin counties (Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha).

Under the current rule, the final phase of emission limitations in Table 1 of s. NR 485.04, Wis. Adm. Code, is scheduled to take effect on December 1, 1999. This final phase implements more restrictive emission limitations for model year 1980 to 1986 light-duty vehicles (passenger cars), 1984 to 1986 light-duty trucks, and 1979 to 1986 heavy-duty trucks. For the other vehicles, the emission limitations in the final phase are identical to the emission limitations in the next-to-final phase (the "current" phase for inspections conducted between December 1, 1998 and November 30, 1999).

The proposed rule will repeal the final phase of emission limitations in the current rule and indefinitely extend the time period covered by the next-to-final phase in the current rule. (That is, the next-to-final phase of emission limitations in the current rule will, in this revised rule, apply to inspections conducted on and after December 1, 1998).

The proposed rule will also revise some of the fast-pass emission limitations in Table 3 of s. NR 485.04, Wis. Adm. Code, to reflect the most recent U.S. Environmental Protection Agency technical guidance.

SECTION 1. NR 485.04 Table 1 (4) (intro.) is amended to read:

NR 485.04 Table 1 (4) (intro.) MOTOR VEHICLES INSPECTED ~~BETWEEN~~ BETWEEN ON AND AFTER DECEMBER 1, 1998 ~~AND NOVEMBER 30, 1999.~~

SECTION 2. NR 485.04 Table 1 (5) is repealed.

SECTION 3. NR 485.04 Table 3 (1)(a), (2)(a) and (3)(a) are repealed and recreated to read:

NR 485.04 Table 3 (1)(a) *Motor vehicles having composite hydrocarbon emission limitations in Table 1 of at least 0.60 grams/mile but less than 0.80 grams/mile.*

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.093	N/A	83	0.247	N/A
31	0.095	N/A	84	0.250	N/A
32	0.097	N/A	85	0.252	N/A
33	0.101	N/A	86	0.254	N/A
34	0.105	N/A	87	0.257	N/A
35	0.110	N/A	88	0.260	N/A
36	0.113	N/A	89	0.263	N/A
37	0.115	N/A	90	0.267	N/A
38	0.117	N/A	91	0.269	N/A
39	0.120	N/A	92	0.270	N/A
40	0.124	N/A	93	0.272	N/A
41	0.127	N/A	94	0.275	N/A
42	0.129	N/A	95	0.278	N/A
43	0.130	N/A	96	0.279	N/A
44	0.133	N/A	97	0.282	N/A
45	0.148	N/A	98	0.291	N/A
46	0.150	N/A	99	0.297	N/A
47	0.156	N/A	100	0.304	N/A
48	0.166	N/A	101	0.308	N/A
49	0.174	N/A	102	0.308	N/A
50	0.176	N/A	103	0.309	N/A
51	0.179	N/A	104	0.310	N/A
52	0.180	N/A	105	0.316	N/A
53	0.182	N/A	106	0.321	N/A
54	0.185	N/A	107	0.323	N/A
55	0.187	N/A	108	0.341	N/A
56	0.189	N/A	109	0.344	0.012
57	0.196	N/A	110	0.347	0.014
58	0.203	N/A	111	0.348	0.017
59	0.207	N/A	112	0.350	0.019
60	0.209	N/A	113	0.351	0.019
61	0.210	N/A	114	0.353	0.020
62	0.212	N/A	115	0.366	0.021
63	0.212	N/A	116	0.385	0.023
64	0.213	N/A	117	0.404	0.026
65	0.214	N/A	118	0.421	0.028
66	0.215	N/A	119	0.433	0.028
67	0.216	N/A	120	0.435	0.029
68	0.218	N/A	121	0.440	0.031
69	0.221	N/A	122	0.446	0.032
70	0.222	N/A	123	0.452	0.033
71	0.224	N/A	124	0.458	0.034
72	0.225	N/A	125	0.461	0.034
73	0.227	N/A	126	0.468	0.034
74	0.228	N/A	127	0.471	0.036
75	0.230	N/A	128	0.474	0.037
76	0.231	N/A	129	0.478	0.037
77	0.231	N/A	130	0.481	0.040
78	0.231	N/A	131	0.482	0.041
79	0.236	N/A	132	0.483	0.042
80	0.240	N/A	133	0.484	0.044
81	0.243	N/A	134	0.485	0.044
82	0.245	N/A	135	0.488	0.044

Second	Composite (grams)	Phase 2 (grams)
136	0.494	0.045
137	0.497	0.045
138	0.500	0.045
139	0.501	0.048
140	0.503	0.049
141	0.504	0.049
142	0.506	0.049
143	0.509	0.051
144	0.511	0.052
145	0.513	0.053
146	0.515	0.053
147	0.516	0.054
148	0.518	0.055
149	0.519	0.056
150	0.521	0.057
151	0.522	0.058
152	0.524	0.058
153	0.525	0.059
154	0.527	0.059
155	0.528	0.060
156	0.530	0.062
157	0.531	0.064
158	0.533	0.066
159	0.534	0.066
160	0.537	0.070
161	0.563	0.077
162	0.588	0.087
163	0.604	0.093
164	0.630	0.099
165	0.640	0.103
166	0.656	0.129
167	0.677	0.151
168	0.683	0.153
169	0.686	0.162
170	0.687	0.178
171	0.689	0.191
172	0.698	0.200
173	0.711	0.208
174	0.737	0.216
175	0.764	0.229
176	0.770	0.239
177	0.776	0.253
178	0.788	0.258
179	0.806	0.262
180	0.813	0.273
181	0.824	0.280
182	0.841	0.284
183	0.849	0.291
184	0.864	0.314
185	0.871	0.322
186	0.876	0.324
187	0.881	0.326
188	0.886	0.328

Second	Composite (grams)	Phase 2 (grams)
189	0.891	0.339
190	0.902	0.348
191	0.914	0.358
192	0.925	0.370
193	0.938	0.383
194	0.941	0.395
195	0.944	0.406
196	0.949	0.413
197	0.960	0.415
198	0.970	0.416
199	0.976	0.418
200	0.985	0.420
201	0.993	0.427
202	0.999	0.438
203	1.006	0.443
204	1.018	0.448
205	1.031	0.453
206	1.044	0.456
207	1.056	0.459
208	1.067	0.463
209	1.075	0.466
210	1.082	0.469
211	1.090	0.482
212	1.097	0.490
213	1.101	0.497
214	1.103	0.504
215	1.106	0.508
216	1.109	0.517
217	1.111	0.521
218	1.113	0.521
219	1.115	0.523
220	1.118	0.527
221	1.120	0.531
222	1.128	0.537
223	1.142	0.544
224	1.160	0.547
225	1.162	0.554
226	1.172	0.562
227	1.181	0.568
228	1.184	0.569
229	1.188	0.574
230	1.192	0.574
231	1.193	0.574
232	1.197	0.575
233	1.199	0.575
234	1.203	0.576
235	1.208	0.577
236	1.209	0.577
237	1.210	0.577
238	1.211	0.578
239	1.211	0.580

(2)(a) Motor vehicles having composite carbon monoxide emission limitations in Table 1 of at least 10.0 grams/mile but less than 15.0 grams/mile.

Second	Composite (grams)	Phase 2 (grams)	Second	Composite (grams)	Phase 2 (grams)
30	0.462	N/A	83	1.485	N/A
31	0.515	N/A	84	1.491	N/A
32	0.558	N/A	85	1.495	N/A
33	0.567	N/A	86	1.508	N/A
34	0.569	N/A	87	1.514	N/A
35	0.571	N/A	88	1.523	N/A
36	0.600	N/A	89	1.533	N/A
37	0.640	N/A	90	1.539	N/A
38	0.689	N/A	91	1.551	N/A
39	0.713	N/A	92	1.553	N/A
40	0.717	N/A	93	1.554	N/A
41	0.722	N/A	94	1.563	N/A
42	0.735	N/A	95	1.565	N/A
43	0.741	N/A	96	1.570	N/A
44	0.743	N/A	97	1.597	N/A
45	0.771	N/A	98	1.634	N/A
46	0.896	N/A	99	1.672	N/A
47	0.988	N/A	100	1.727	N/A
48	1.020	N/A	101	1.773	N/A
49	1.028	N/A	102	1.833	N/A
50	1.035	N/A	103	1.942	N/A
51	1.047	N/A	104	2.108	N/A
52	1.063	N/A	105	2.113	N/A
53	1.089	N/A	106	2.131	N/A
54	1.123	N/A	107	2.192	N/A
55	1.126	N/A	108	2.279	N/A
56	1.129	N/A	109	2.391	0.115
57	1.133	N/A	110	2.397	0.119
58	1.149	N/A	111	2.427	0.163
59	1.235	N/A	112	2.493	0.183
60	1.248	N/A	113	2.579	0.192
61	1.248	N/A	114	2.585	0.200
62	1.248	N/A	115	2.623	0.216
63	1.267	N/A	116	2.677	0.227
64	1.278	N/A	117	2.707	0.237
65	1.296	N/A	118	2.709	0.240
66	1.333	N/A	119	2.719	0.245
67	1.373	N/A	120	2.760	0.252
68	1.376	N/A	121	2.790	0.267
69	1.384	N/A	122	2.799	0.280
70	1.403	N/A	123	2.803	0.318
71	1.411	N/A	124	2.808	0.330
72	1.417	N/A	125	2.821	0.348
73	1.420	N/A	126	2.865	0.356
74	1.425	N/A	127	2.896	0.359
75	1.435	N/A	128	2.907	0.361
76	1.447	N/A	129	2.911	0.363
77	1.459	N/A	130	2.913	0.364
78	1.467	N/A	131	2.915	0.364
79	1.475	N/A	132	2.957	0.367
80	1.475	N/A	133	3.015	0.378
81	1.481	N/A	134	3.016	0.381
82	1.481	N/A	135	3.017	0.405

Second	Composite (grams)	Phase 2 (grams)
136	3.021	0.423
137	3.023	0.439
138	3.028	0.449
139	3.035	0.455
140	3.036	0.469
141	3.036	0.478
142	3.036	0.486
143	3.036	0.495
144	3.036	0.508
145	3.036	0.510
146	3.036	0.510
147	3.036	0.512
148	3.036	0.514
149	3.036	0.516
150	3.036	0.524
151	3.037	0.542
152	3.037	0.543
153	3.043	0.546
154	3.075	0.549
155	3.223	0.553
156	3.801	0.578
157	3.894	0.680
158	4.113	0.713
159	4.447	0.932
160	4.950	1.000
161	5.586	1.062
162	6.432	1.253
163	7.279	1.887
164	8.105	2.111
165	8.487	2.496
166	8.554	3.095
167	8.595	3.402
168	8.621	3.610
169	9.135	3.937
170	9.426	4.157
171	9.976	4.351
172	10.469	4.459
173	10.835	4.669
174	11.271	4.950
175	11.770	5.600
176	12.013	5.654
177	12.233	5.898
178	12.447	6.046
179	12.648	6.078
180	12.819	6.124
181	13.415	6.267
182	13.603	6.549
183	13.836	7.046
184	14.456	7.463
185	14.637	7.555
186	15.100	7.699
187	15.326	7.911
188	15.690	8.172

Second	Composite (grams)	Phase 2 (grams)
189	15.917	8.258
190	16.012	8.361
191	16.309	8.600
192	16.457	8.655
193	16.621	8.674
194	16.792	8.693
195	16.979	8.778
196	17.085	8.867
197	17.164	8.924
198	17.233	8.973
199	17.316	9.045
200	17.427	9.098
201	17.483	9.215
202	17.559	9.386
203	17.698	9.463
204	17.879	9.579
205	18.035	9.680
206	18.262	9.773
207	18.334	9.911
208	18.421	9.961
209	18.535	10.152
210	18.635	10.242
211	18.803	10.248
212	19.029	10.315
213	19.331	10.458
214	19.333	10.630
215	19.337	10.687
216	19.387	10.754
217	19.521	10.971
218	19.655	11.012
219	19.823	11.250
220	19.869	11.327
221	19.881	11.353
222	19.898	11.390
223	19.908	11.463
224	19.915	11.511
225	20.005	11.522
226	20.084	11.546
227	20.085	11.587
228	20.085	11.652
229	20.139	11.652
230	20.209	11.654
231	20.215	11.672
232	20.217	11.729
233	20.245	11.744
234	20.274	11.806
235	20.277	11.808
236	20.285	11.809
237	20.287	11.810
238	20.301	11.845
239	20.325	11.934

(3)(a) Motor vehicles having composite oxides of nitrogen emission limitations in Table 1 of at least 1.5 grams/mile but less than 2.0 grams/mile.

Second	Composite (grams)	Second	Composite (grams)
30	0.125	83	0.536
31	0.133	84	0.543
32	0.141	85	0.553
33	0.161	86	0.560
34	0.174	87	0.561
35	0.180	88	0.561
36	0.182	89	0.561
37	0.184	90	0.561
38	0.185	91	0.561
39	0.185	92	0.561
40	0.188	93	0.561
41	0.195	94	0.561
42	0.208	95	0.561
43	0.233	96	0.561
44	0.246	97	0.561
45	0.257	98	0.561
46	0.269	99	0.563
47	0.280	100	0.573
48	0.287	101	0.592
49	0.289	102	0.617
50	0.300	103	0.650
51	0.308	104	0.679
52	0.326	105	0.694
53	0.348	106	0.716
54	0.354	107	0.739
55	0.360	108	0.745
56	0.368	109	0.746
57	0.375	110	0.747
58	0.380	111	0.758
59	0.382	112	0.771
60	0.384	113	0.776
61	0.387	114	0.783
62	0.389	115	0.794
63	0.392	116	0.806
64	0.397	117	0.810
65	0.400	118	0.810
66	0.401	119	0.811
67	0.405	120	0.818
68	0.413	121	0.822
69	0.422	122	0.833
70	0.431	123	0.842
71	0.441	124	0.851
72	0.450	125	0.854
73	0.452	126	0.854
74	0.453	127	0.854
75	0.460	128	0.854
76	0.468	129	0.854
77	0.485	130	0.854
78	0.488	131	0.854
79	0.494	132	0.854
80	0.505	133	0.854
81	0.522	134	0.854
82	0.530	135	0.854

Second	Composite (grams)
136	0.870
137	0.881
138	0.887
139	0.898
140	0.917
141	0.941
142	0.954
143	0.965
144	0.978
145	0.980
146	0.984
147	0.988
148	0.991
149	0.994
150	0.996
151	0.999
152	1.004
153	1.008
154	1.013
155	1.018
156	1.024
157	1.034
158	1.061
159	1.100
160	1.136
161	1.169
162	1.193
163	1.231
164	1.289
165	1.333
166	1.374
167	1.439
168	1.479
169	1.510
170	1.575
171	1.650
172	1.688
173	1.703
174	1.726
175	1.739
176	1.751
177	1.762
178	1.790
179	1.817
180	1.847
181	1.877
182	1.909
183	1.940
184	1.970
185	2.005
186	2.062
187	2.103
188	2.138

Second	Composite (grams)
189	2.171
190	2.198
191	2.228
192	2.265
193	2.308
194	2.349
195	2.389
196	2.414
197	2.451
198	2.474
199	2.513
200	2.555
201	2.600
202	2.623
203	2.636
204	2.638
205	2.639
206	2.642
207	2.659
208	2.678
209	2.700
210	2.714
211	2.729
212	2.765
213	2.799
214	2.843
215	2.875
216	2.918
217	2.949
218	2.970
219	2.998
220	3.010
221	3.026
222	3.029
223	3.038
224	3.050
225	3.053
226	3.054
227	3.054
228	3.055
229	3.055
230	3.055
231	3.055
232	3.056
233	3.056
234	3.056
235	3.056
236	3.057
237	3.057
238	3.057
239	3.057

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 30, 1999.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)