



AIR QUALITY CONTROL ADVISORY COUNCIL
AGENDA
June 13, 2022

WEBINAR ONLY

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United States (Toll Free): 1 866 899 4679
Access Code: 672-487-357

9:00 a.m.	Welcome and Introductions	John Quinn, Advisory Council Chair Tad Aburn, Air Director Chris Hoagland, Air Director
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9:15 a.m.	Approval of Meeting Minutes	John Quinn
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Action Items:

9:25 a.m.	Motor Vehicle Anti-Tampering amendments COMAR 26.11.20.02	John Artes / Randy Mosier
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Briefings:

10:15 a.m.	Advanced Clean Cars II	Justin Mabrey
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10:30 a.m.	Transparency, Air Toxics and Fugitive Dust	Tad Aburn / Kelsey Sisko
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11:30 a.m.	Adjourn	
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Next Meeting Dates:
September 12, 2022; December 12, 2022



Facts About ...

Amendments to COMAR 26.11.20.02 Motor Vehicle Emission Control Devices

5/2531/2022

Purpose

The purpose of this action is to provide an exemption for [new motor vehicles, vehicles sold at wholesale](#), auto insurers, and auctions conducted by auctioneers not in ~~possession of the vehicle~~ title as specified under COMAR 26.11.20.02 pertaining to Motor Vehicle Emission Control Devices. On February 7, 2022, the Maryland Department of the Environment (MDE or the Department) expanded prohibitions pertaining to (1) the removal or alteration of a motor vehicle's air pollution control systems; (2) the operation of motor vehicles with removed, altered, or inoperative air pollution control systems; (3) the manufacture, sale, installation, and use of any device that prevents a motor vehicle's air pollution control system from operating as originally designed; and (4) the offering for sale, sale, lease, auction or transfer of any motor vehicle with removed, altered, or inoperative air pollution control systems.

Section (4) above applies to the retail transaction of motor vehicles that occur between a licensed dealer and the consumer. Under this action, exemptions are being extended to cover [new motor vehicles, vehicles sold at wholesale, and](#) auto insurers that take ownership of motor vehicles in association with total loss claims, which occur when a vehicle sustains so much damage it is more economical for the insurance company to purchase the vehicle for its pre-crash value rather than repair the vehicle. Auto insurers typically dispose of those vehicles at auction in an effort to recoup some of the claim costs. Exemptions will also cover auctions acting on behalf of a seller, secured party or owner where the title does not pass to the auctioneer or to the facilitating auction location. This action will exempt from compliance with 26.11.20.02 auto insurers and those transactions identified in 26.11.20.02C(1) that are conducted by auctioneers not in ~~possession of the vehicle~~ title, as specified under the conditions outlined in Section C of the proposed regulation.

The Department will continue to enhance compliance investigations pertaining to the operation and transaction of tampered vehicles. The Department will continue to monitor auctions to determine whether the exemption for auctions results in significantly tampered vehicles operating on Maryland roadways, despite undergoing state safety inspections that examine emission control systems. ~~The Department may consider further regulations as necessary in the future.~~

Submission to EPA as Revision to Maryland's State Implementation Plan (SIP)

The proposed amendments to COMAR 26.11.20.02 will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as part of Maryland's SIP.



Facts About ...

Amendments to COMAR 26.11.20.02 Motor Vehicle Emission Control Devices

Sources Affected

The proposed amendment applies to:

- The offering for sale, sale, auction, or transfer of a motor vehicle; and
- Vehicles manufactured without emission systems.

Projected Emission Reductions

The proposed amendments do not impact emissions.

Economic Impact on Affected Sources, the Department, other State Agencies, Local Government, other Industries or Trade Groups, the Public and Small Businesses

The proposed action has no economic impact.

Comparison to Federal Standards

Maryland's existing and proposed regulations largely mirror and compliment federal regulations pertaining to the tampering of motor vehicles. Federal standards under CAA § 203(a)(3)(A) & (B), 42 U.S.C. § 7522(a)(3)(A), 42 U.S.C. § 7522(a)(3)(B), and CAA § 113(c)(2)(C), 42 U.S.C. § 7413(c)(2)(C) address similar motor vehicle tampering prohibitions.

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 11 AIR QUALITY

Chapter 20 Mobile Sources

Authority: Environment Article, §§2-102, 2-103, and 2-301, Annotated Code of Maryland

.01 (text unchanged)

.02 Motor Vehicle Emission Control Devices.

A. Definitions.

(1) — (4) (text unchanged)

(5) "Wholesale" means a transaction in which a vehicle is purchased for resale by a non-retail purchaser.

(5) "Wholesale vehicle dealer" means an entity that holds a current wholesale dealer license issued by the Maryland Motor Vehicle Administration or similar license issued by another state.

B. (text unchanged)

C. Exemptions.

[(1) This regulation does not apply to the sale or transfer of a motor vehicle for the purpose of scrapping, dismantling, or destroying the motor vehicle if:

(a) A certificate of salvage has been issued by the Maryland Motor Vehicle Administration that establishes a motor vehicle may not be operated on public roads; or

(b) Sufficient documentation and proof is provided to the Department's satisfaction that a motor vehicle has been scrapped, or will be scrapped within 30 days.

(2) This regulation does not prevent the service or repair of any air pollution control system.

(3) This regulation does not apply to motorcycles.]

(1) This regulation does not apply to:

(a) The offering for sale, sale, or transfer, by a Dealer, as that term has the meaning stated is defined in the Transportation Article, ~~MD. Transportation Code Ann. § 11-111~~, Annotated Code of Maryland-(2020), of a new motor vehicle that has never been registered for use.

[(a)](b) The sale or transfer of a motor vehicle for the sole purpose of scrapping, dismantling, destroying, or any similar activity, if sufficient documentation and proof is provided to the Department's satisfaction within 30 days of sale or transfer;

[(b)](c) A vehicle that has been issued a certificate of salvage by the Maryland Motor Vehicle Administration, or a similar ownership document from within Maryland or another state as approved by the Department, that establishes a motor vehicle will not be operated on public roads;

[(c)](d) The offering for sale, sale, or transfer of a motor vehicle by auction where the auctioneer or facilitating auction is acting on behalf of a seller, secured party, or owner where the title does not pass to the auctioneer or to the facilitating auction location; ~~The offering for sale, sale, auction, or transfer of a motor vehicle conducted by a Wholesale Vehicle Dealer~~

[(d)](e) The offering for sale, sale or transfer of a motor vehicle by an insured or claimant to an insurer;

[(e)](f) Vehicles manufactured without emissions systems; ~~and~~

[(f)](g) Motorcycles; and

(h) Vehicles sold at wholesale.

(2) This regulation does not prevent the service or repair of any air pollution control system.

D. — F. (text unchanged)

.03 — .06 (text unchanged)