

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9 VAC 5 CHAPTER 40.
EXISTING STATIONARY SOURCES.

PART II.
Emission Standards.

ARTICLE 41.
Emission Standards For Mobile Sources (Rule 4-41).

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9 VAC 5-40-5650. Applicability and designation of affected facility.

A. Except as provided in subsection C of this section, the affected facility to which the provisions of this article apply is each mobile source.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article do not apply to mobile sources used solely for ceremonial purposes, antiques and others of historical significance.

9 VAC 5-40-5660. Definitions.

A. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

"Mobile sources" means any vehicle, including, but not limited to, any motor vehicle (automobile, truck, bus, etc.) or other landcraft; airplane or other aircraft; locomotive or other rail vehicle; ship, boat or other watercraft, which emits or may emit any air pollutant.

"Motor vehicle" means any powered conveyance of a type normally licensed by the Virginia Department of Motor Vehicles.

9 VAC 5-40-5670. Motor vehicles.

A. Emission control systems.

1. No owner or other person shall cause or permit the removal, disconnection or disabling of a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or other air pollution control system or device which has been installed on a motor vehicle in accordance with federal laws and regulations

while such motor vehicle is operating in the Commonwealth of Virginia.

2. No owner or other person shall attempt to defeat the purpose of any such motor vehicle pollution control system or device by installing any part or component which is not a standard factory replacement part or component of the device.

3. No motor vehicle or engine shall be operated with the motor vehicle pollution control system or device removed or otherwise rendered inoperable.

4. The provisions of this section shall not prohibit or prevent shop adjustments or replacement of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.

B. Visible emissions.

1. No owner or other person shall cause or permit the emission of visible air pollutants from gasoline-powered motor vehicles for longer than five consecutive seconds after the engine has been brought up to operating temperature.

2. No owner or other person shall cause or permit the emission of visible air pollutants from diesel-powered motor vehicles of a density equal to or greater than 20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.

C. In commercial or residential urban areas, propulsion engines of motor vehicles licensed for commercial or public service use shall not be left running for more than three minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that:

1. Tour buses may idle for up to 10 minutes during hot weather in order to maintain power to the air conditioning system; and

2. Diesel powered vehicles may idle for up to 10 minutes to minimize restart problems.

9 VAC 5-40-5680. Other mobile sources.

A. General. All mobile sources operating within Virginia, including the air space over this Commonwealth, shall control their emissions in strict accordance with the applicable federal laws and regulations.

B. Visible emissions. The provisions of 9 VAC 5-40-80 shall apply to the discharge of visible emissions from all mobile sources, unless specified otherwise in subsection C of this section.

C. Exceptions.

1. Aircraft. Subsection B of this section shall not apply to aircraft.

2. Diesel locomotives. Visible emissions from operating diesel-powered locomotives shall not exceed a density greater than 30% opacity unless the locomotive is operating under any of the following conditions:

a. Accelerating under load, and then only for a maximum of 40 consecutive seconds for stabilization of the new operating condition;

b. Being loaded after a period of idle, and then only for a maximum period of four consecutive minutes after the changed condition;

c. Started cold, and then only for a maximum of 30 consecutive minutes after such a start; or

d. Being tested, adjusted, or broken in after rebuilding or repair, and then only for maximum periods of 3 consecutive minutes for an aggregate of no more than 10 minutes in any 60-minute period.

3. Ships and other watercraft. Visible emissions in excess of subsection B of this section are authorized when not at dock and for brief periods when at dock under the following conditions:

a. During dock trials as required to test and calibrate the ship's machinery control systems;

b. When lighting off a cold machinery plant and getting under way;

c. When used on shore to simulate dock or sea trials; or

d. When soot blowing. Soot blowing shall be limited to once in each 24-hour period and shall be allowed only when wind conditions and direction are such as to prevent a public nuisance or hazard to the health and safety of persons and property both ashore and afloat.

4. Other diesel-powered mobile sources. Visible emissions from diesel-powered mobile sources which are not otherwise governed by these regulations shall not exceed 20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.

9 VAC 5-40-5690. Export/import of motor vehicles.

A. Any person may remove the catalyst and restrictive filler inlet from used motor vehicles scheduled for shipment overseas provided that:

1. The export/import of the motor vehicle meets the provisions of subsection B of this section; and

2. The removal of the emission control devices does not take place prior to 10 days before the vehicle is turned in to the port authorities and the reinstallation of the emission control devices takes place within 10 days after receipt of the vehicle by the owner from the port authorities.

B. To be exempted under the provisions of subsection A of this section, the motor vehicle must:

1. Be exported/imported under a U.S. Environmental Protection Agency (EPA) approved catalyst control program; or

2. If not under an EPA program, upon reimportation to the United States must be entered through U.S. Customs under cash bond and formal entry procedures (19 CFR 12 – Special classes of merchandise) and must be modified to bring it into conformity with applicable federal motor vehicle emission standards (40 CFR 86 – Control of air pollution from new motor vehicle engines: Certification and test procedures).