

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program shall be audited regularly and shall follow effective program management practices, including adjustments to improve operation when necessary. The SIP shall include quality control and quality assurance procedures to be used to insure the effective overall performance of the enforcement system. An information management system shall be established which will characterize, evaluate and enforce the program.

The Davidson County and Tennessee I/M regulations provide the legal authority to implement a registration denial enforcement system. The Davidson County Health Department and Tennessee APCD will audit the County Clerk's Office to insure the regulation is enforced. This portion of the Tennessee submittal meets the federal requirements and is approvable.

Quality Assurance—40 CFR 51.363

An ongoing quality assurance program shall be implemented to discover, correct and prevent fraud, waste, and abuse in the program. The program shall include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. A description of the quality assurance program which includes written procedure manuals on the above discussed items must be submitted as part of the SIP.

The Tennessee submittal includes a quality assurance program which describes details and procedures for implementing inspector, records, and equipment audits. Performance audits of inspectors and testing equipment will be performed by Davidson County Health Department and APCD personnel in their respective jurisdictions. Section 8 of the Tennessee APCD contract addresses quality assurance requirements. Section 8 of the Tennessee APCD SIP submittal addresses quality assurance procedures as well. Appendices 1 and 7 of the Davidson County submittal discuss these items as well. In both cases, overt and covert audits and remote observation of inspection personnel performing testing are included. Overt audits may be performed by Davidson County Health Department and APCD personnel at any time, unannounced, during station operation. Covert audits are required to use a range of vehicles which have been set to fail the

inspection test. The quality assurance requirements and procedures in the Tennessee I/M program meet the federal I/M regulation requirements and are approvable.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations or contractors, and inspectors shall include swift, sure, effective, and consistent penalties for violation of program requirements. The federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures which can be imposed against stations, contractors and inspectors. The legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations must be included in the SIP. State quality assurance officials shall have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources and sources of those resources which will support this function.

The Tennessee submittal includes the legal authority to establish and impose penalties against stations, contractors and inspectors. Section 9 of the Tennessee APCD SIP submittal states that civil penalties of up to \$25,000 per day can be imposed for violations. Appendix 4 of the Davidson County submittal discusses this issue in that county's program. In both programs, the program auditors also have the ability to immediately shut down any testing lane they find not to be in compliance. The testing lane will remain out of operation until the necessary corrective action has been taken and a followup audit confirms the lane is operating properly. Per contract agreements with the system contractor and the State of Tennessee, the contractor is required to comply with all applicable federal, state, and county regulations. The contractor has to post a performance bond to help insure program operations comply with all regulations. The Tennessee I/M enforcement program can suspend and/or revoke fleet inspection licenses for violations. Inspectors may be decertified. The Tennessee I/M program

meets the requirements of this section and is approvable.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR Part 51.359.

Section 10 of the Tennessee SIP submittal specifies the information contained on the inspection form. Appendix 4, the contract, of the Davidson County submittal, contains the specifications for equipment and data. The contract, in section 12 of the Tennessee APCD submittal, requires the contractor to work with Davidson County and the State in the development of the test forms and the associated data fields. Data requirements are also specified in the covert and overt audit section of the Procedures and Policies section of the SIP. The type of test data collected meets the federal I/M regulation requirements and is approvable. The submittal also commits to gather and report the results of the quality control checks required under 40 CFR Part 51.359 and is approvable.

Data Analysis and Reporting—40 CFR 51.366

Data analysis and reporting are required to allow for monitoring and evaluation of the program by the state and EPA. The federal I/M regulation requires annual reports to be submitted which provide information and statistics and summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are to be submitted by July and shall provide statistics for the period of January to December of the previous year. A biennial report shall be submitted to EPA which addresses changes in program design, regulations, legal authority, program procedures and any weaknesses in the program found during the two year period and how these problems will be or were corrected.

The Tennessee I/M program SIP provides for the analysis and reporting of data for the testing program, quality assurance program, quality control program and the enforcement program. The type of data to be analyzed and reported meets the federal I/M regulation requirements and is approvable. Tennessee commits to submit annual reports on these programs to EPA by July of the