

Emergency Rules

Under the Administrative Procedure Act in effect before January 1, 1995, an agency may determine that adoption, amendment, or repeal of a rule is necessary for immediate preservation of the public health, safety, or welfare and the notice and public participation requirements are impracticable. Under this determination, the agency may adopt the rule as an emergency and submit it to the Attorney General for review. The Attorney General certifies the rule and then files it with the Secretary of State. The rule takes effect upon filing with the Secretary of State and remains in effect for 90 days. An emergency rule may be renewed for one or more 90-day periods if the requirements of A.R.S. § 41-1026 are met. If the emergency rule is not renewed or the rule is not permanently adopted by the end of the 90-day period, the emergency rule expires and the text of the rule returns to its former language, if any.

TITLE 18. ENVIRONMENTAL QUALITY

**CH. 2. DEPARTMENT OF ENVIRONMENTAL
QUALITY
AIR POLLUTION CONTROL**

The undersigned hereby certifies that the attached rule, pursuant to the authority vested in this agency by A.R.S. §§ 49-104, 49-425, 49-447, 49-542, 49-542.01, and 49-543 was:

Amended:

Table 2.	Emission Standards - Annual Tests
Table 6.	Emission Standards - Remote Sensing Identifications

Summary

The Department is amending the rules on vehicle emissions inspections that were certified on November 14, 1994, to adjust the failure rate for 1980 and older vehicles from an average of 52% to an average of 43% to accommodate the original anticipated failure rate for the new program, and to avert substantial economic harm to low-income individuals and families. In addition, changes are made in Tables 2 and 6 to some classes of newer vehicles where the change is necessary to keep the standards uniform and graduated by model year. These rules will become effective on January 1, 1995, with the initiation of the new Vehicle Emissions Inspection program.

Finding of Emergency

The Department has determined that the adoption of the rule is immediately necessary for the preservation of the public peace, health, and safety; that notice and public procedure thereon are impracticable, unnecessary, or contrary to public interest; and that the rule change must be adopted as an emergency rule without the notice provided by A.R.S. § 41-1022. *Valid for 90 days after filing pursuant to A.R.S. § 41-1026.*

The above referenced rule was promulgated subject to certification by the Attorney General on December 14, 1994.

Contact: Martha Seaman, Rule Development Section,
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Avenue, 8th Floor, Phoenix, Arizona 85012, (602) 207-2222.

/s/ Edward Z. Fox,
Director

Approved and certified pursuant to
A.R.S. 41-1041 this 23rd day of
December, 1994

/s/ Grant Woods
Attorney General

Filed in the Office of the
Secretary of State 12/23/94