



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

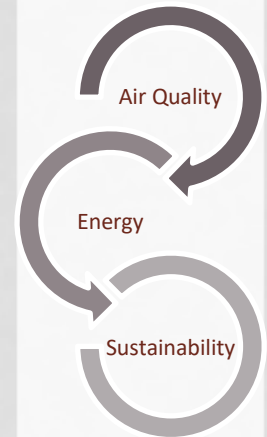


# DIVISION OF AIR QUALITY

AIR QUALITY, ENERGY, AND SUSTAINABILITY

## NEW JERSEY'S ANTI-TAMPERING PROGRAM

BUREAU OF MOBILE SOURCES



# OVERVIEW OF NJ'S I/M PROGRAM

- Joint Administration
  - New Jersey Department of Environmental Protection
    - Emissions standards
    - Test methods
  - New Jersey Motor Vehicle Commission
    - Vehicle types
    - Inspection frequency
    - Inspection location (central or private facility)

# DIESEL VEHICLES

- Light Duty (<8,500 lbs)
  - OBD for '97 and newer
- Medium Duty (8,500-18,000 lbs)
  - Required by MVC to self-inspect
- Heavy Duty (>18,000 lbs)
  - Annual Smoke Opacity Test
  - Visible smoke, fuel leak, and indicator light inspection (if applicable)
  - Smoke opacity for 2013 and older
  - OBD for 2014 and newer

In regulation but not yet implemented. Waiting for award of next contract for vehicle inspection services. Right now, all age vehicles get smoke opacity tested.

# N.J.A.C. 7:27-14.3(e)

(e) No person shall cause, suffer, allow, or permit any of the following, unless it is performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB Executive Order (information on devices or modifications approved by CARB Executive Order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at [www.arb.ca.gov](http://www.arb.ca.gov)):

- 1. The disconnection, detachment, deactivation, or any other alteration or modification from the design of the original vehicle manufacturer or an element of design installed on any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration, except temporarily for the purpose of diagnosis, maintenance, repair, or replacement;
- 2. The sale, lease, or offer for sale or lease, of any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer; or
- 3. The sale, or offer for sale, of any device or component as an element of design intended for use with, or as part of, any motor vehicle with a certified configuration or motor vehicle engine with a certified configuration that is not designed to duplicate the function and performance of any element of design installed by the original vehicle manufacturer.

Penalty Category	Class	First Offense	Maximum Offense
Idling	All vehicles	\$0	\$1500
Tampering of vehicles	Owner of 4 or less vehicles	\$400	\$6000
	Owner of 5 or more vehicles	\$1000	\$15,000
Sale, lease, or offer for sale or lease tampered vehicle	Owner of 4 or less	\$1000	\$15,000
	Owner of 5 or more vehicles	\$2000	\$30,000
Sale, or offer for sale any device or component	All vehicles	\$2000	\$30,000
Does not have a properly functioning and properly maintained emission ctrl apparatus	Offer for Sale/Sale of Device Component	\$2000	\$30,000
Installing disconnected, detached, deactivate or modified emission control apparatus	Passenger vehicles	\$500	\$7500
	Commercial vehicle	\$1000	\$15,000

# Medium Duty (8,500-18,000 lbs)

Required by MVC to self-inspect

## **This weight class is ripe for tampering – rolling coal**

- What is being tampered with?
  - Diesel and gasoline vehicles
  - PM and NOx emission control systems
    - Catalytic convertors
    - Selective catalytic reduction and exhaust gas recirculation systems
    - Diesel oxidation catalysts and diesel particulate filters
  - ~26% tampering rate
  - Used car dealerships advertising tampered trucks on their websites
  - Auctions selling or offering to sell tampered vehicles
    - <https://www.nj.gov/oag/newsreleases20/pr20200708a.html>

# SUMMARY OF ACTIONS

## JULY 2018

TYPE	CASES	PENALTY ASSESSED
Dealers	20	132,000
Manheim Dealers	14	\$24,000
Citizen Complaints	22	\$13,400
Private Sales	11	
EPA Referrals	1	\$6,000
Performance Shops	1	\$2,000
<b>Total</b>	<b>69</b>	<b>\$177,400</b>

# DEALERS

20 cases since 2018 ~ \$132,000 penalties so far...

- \$2,000 penalty/vehicle
- Additional costs to “make the vehicle whole”
  - \$500-\$5,000
- 3 Inspections
  - 29% tampering rate
  - All roads point to Manheim auto auction



# MANHEIM REMARKETING INC.

- Operates 80 vehicle auctions across the country
- 2 locations - Bordentown & Skyline
  - Bordentown location - 300 plus acre campus
- Weekly in person auctions & daily real-time online auctions
- Surprise inspection February 2019
  - 28% of the vehicles inspected were tampered with
  - Filed a lawsuit in Superior Court
    - Sold or offered for sale at least hundreds of tampered vehicles between December 2019-March 2019
    - Ongoing case



# CITIZEN COMPLAINTS

- 22 cases - \$13,400
- Received calls from citizens
- All about making the vehicle “whole” or making the situation right for the citizen



# TAMPERING MISC

## EPA referrals

- 1 case- \$6,000

## Private Sales

- 11 cases – no settlements yet
- 4 cases – employee vehicles from EPA case
- Facebook marketplace & Craigslist

## Performance Shop

- 1 case - \$2,000
- No inventory of deletes- drop ships of delete devices sold

# QUESTIONS?

## Contact Info:

Melissa Evanego  
Bureau of Mobile Sources  
NJ Department of Environmental Protection  
Phone – 609-954-5443  
email – [Melissa.Evanego@dep.nj.gov](mailto:Melissa.Evanego@dep.nj.gov)  
[www.stopthesoot.org](http://www.stopthesoot.org)  
[www.Drivegreen.nj.gov](http://www.Drivegreen.nj.gov)  
[@DriveCleanNJ](https://twitter.com/DriveCleanNJ)