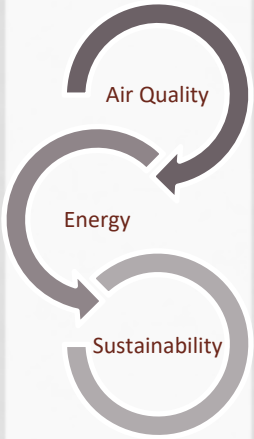
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY

AIR QUALITY, ENERGY, AND SUSTAINABILITY

NJ TAMPERING INITIATIVE

AUGUST 2019



Coal Rolling Law – signed May 5, 2015

- **Coal Rolling Law** -No person shall retrofit any diesel-powered vehicle with any device, smoke stack, or other equipment which enhances the vehicle's capacity to emit soot, smoke, or other particulate emissions, or shall purposely release significant quantities of soot, smoke, or other particulate emissions into the air and onto roadways and other vehicles while operating the vehicle, colloquially referred to as "coal rolling."

rolling coal video

WHO?

- Is investigating?
  - NJ DEP – Bureau of Mobile Sources & Air Compliance & Enforcement

- Is tampering?
  - Owners of diesel trucks
  - Performance shops
  - Auto mechanics

SINISTER DIESEL

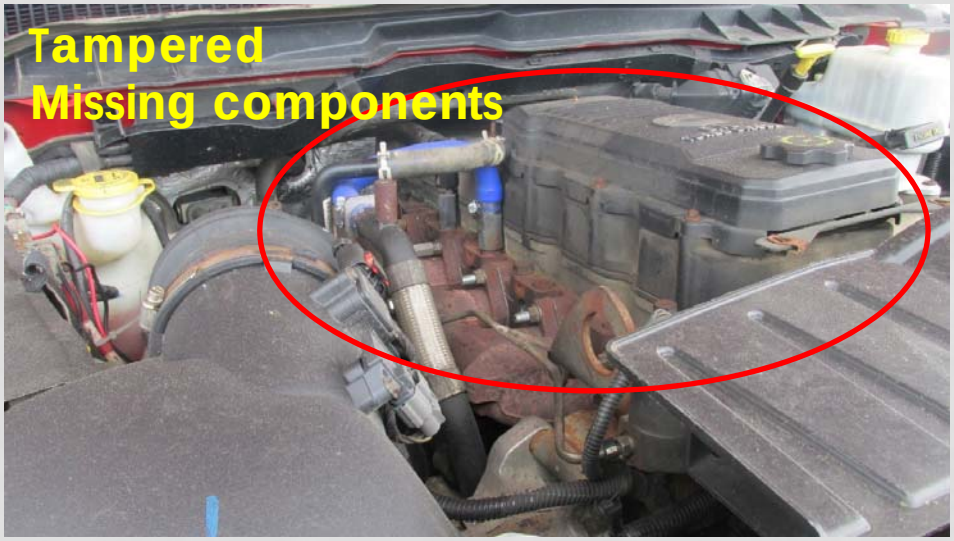
XDP DIESEL POWER

WHAT?

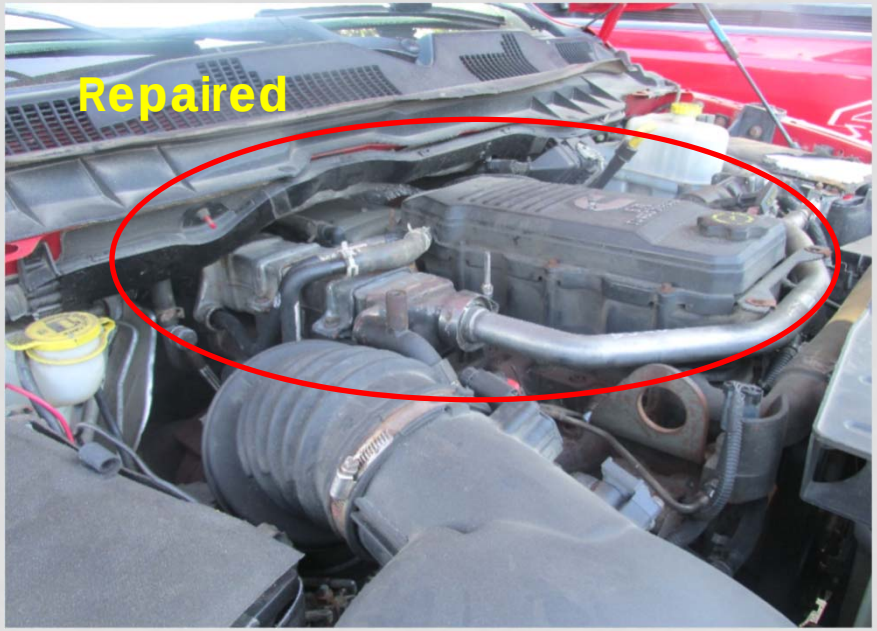
- Is being tampered with?
  - Diesel trucks pick up trucks
  - PM and NOx emission control systems
    - Selective catalytic reduction and exhaust gas recirculation systems
    - Diesel oxidation catalysts and diesel particulate filters
- Are we seeing?
  - ~30% tampering rate
  - Used car dealerships advertising tampered trucks on the websites
- Are we doing about it?
  - N.J.A.C. 7:27-14.3(e) –No person shall cause, suffer, allow, or permit any of the following.
    - *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*
  - Enforcement action 1st offense
  - $2,000 penalty per vehicle and vehicle must be made whole

Exhaust gas recirculation – NOx

Missing



Repaired



Diesel Particulate Filter

Straight pipe indicating DPF has been removed

Straight pipe has been removed and DPF has been installed

WHEN?

- At any time
  - When emission controls start to fail
  - When the vehicle is newer – 2016 Ford F-350
  - When a customer asks

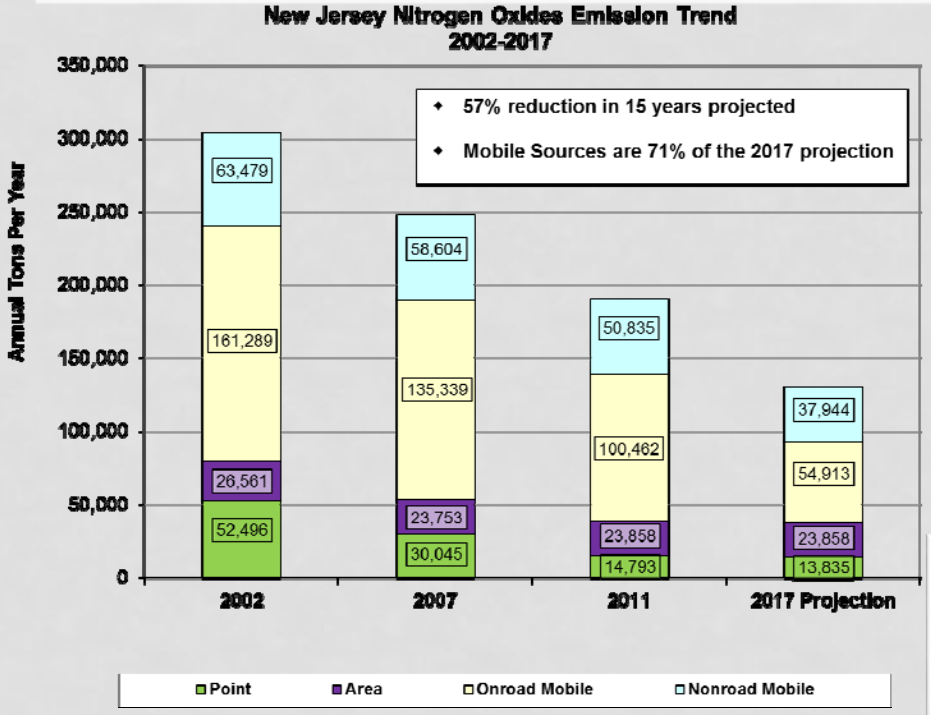
WHERE?

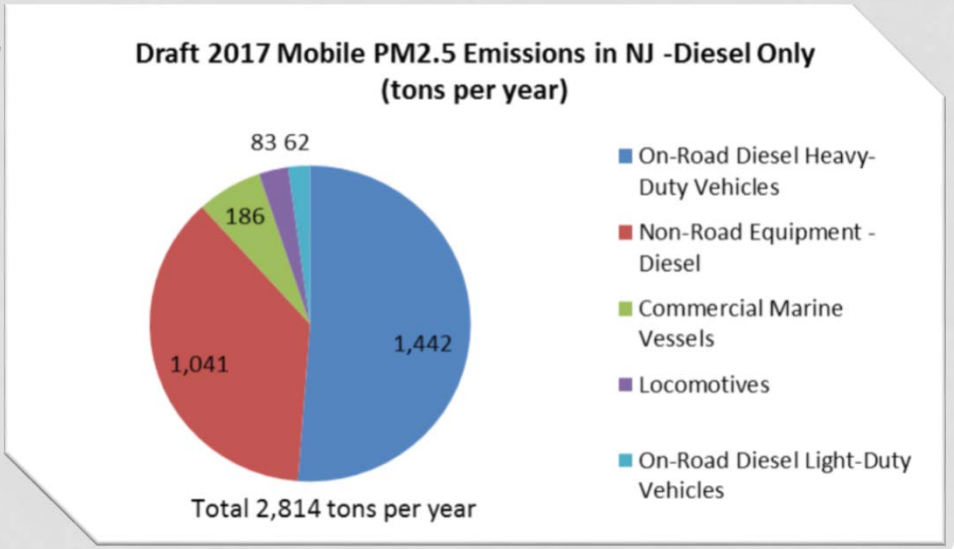
DO A CRAIGSLIST SEARCH IN YOUR STATE

WHY IS NEW JERSEY FOCUSING ON TAMPERING?

- Gap in NJ's Inspection & Maintenance Program
- No diesel inspections for vehicles GVWR between 8,501-17,999 lbs
- This weight class is ripe for tampering

Why pay attention to tampering?





HOW ARE WE SO SUCCESSFUL?

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):

- 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

ADVICE FOR OTHER STATES/JURISDICTIONS

- NY, PA, DE, CT, VA these trucks are coming to you.
- The word is out and these trucks are slowly disappearing from NJ.
- Vehicle wholesale dealers have told me….
- Large tampering case that we can not discuss now
- KUDOS to Mass DEP & NY MVC

QUESTIONS

Melissa Evanego, Bureau Chief
Bureau of Mobile Sources
melissa.evanego@dep.nj.gov
609-292-1637