

ATTACHMENT 3

Memorandum of Understanding

Missouri State Highway Patrol

**Memorandum of Understanding
Between the
Division of Environmental Quality
and the
Missouri State Highway Patrol**

I. Purpose of the Agreement

This document defines responsibilities and coordinates the activities of the Missouri Department of Natural Resources Division of Environmental Quality (DEQ) and the Missouri State Highway Patrol (MSHP), as it relates to the implementation of Missouri Revised Statute 643.303.10, effective August 28, 2006. Activities covered by this agreement are for the establishment of a combined decentralized vehicle on-board diagnostic (OBD) emissions and safety inspection program with real time automated data collection. The program will be operated uniformly in the St. Louis ozone nonattainment area of Franklin, Jefferson, St. Charles and St. Louis counties, and the City of St. Louis. The joint program will be called the Gateway Vehicle Inspection Program (GVIP).

II. Parties

The Director of the DEQ and the Superintendent of the MSHP enter into this agreement. References to the Director or the Superintendent of these agencies may, for the purposes of this document, refer to their appropriate designees. Both parties understand and acknowledge that this agreement can be revised at anytime, if revisions are mutually agreed upon.

III. Agency Roles

DEQ

DEQ is the lead agency with respect to motor vehicle emissions inspections. DEQ will conduct all planning, oversight, rule and policy development and reporting on the emissions inspection portion of the GVIP to the federal government, state government, or non-governmental parties.

MSHP

MSHP is the lead agency with respect to motor vehicle safety inspections. MSHP will conduct all planning, oversight, rule and policy development, and reporting on the safety inspection portion of the GVIP to the state government or other non-governmental parties.

IV. Responsibilities

The Air Pollution Control Program (APCP) will carry out responsibilities for the DEQ.

The Motor Vehicle Inspection (MVI) Division will carry out responsibilities for the MSHP. The APCP and the MVI Division will carry out joint responsibilities for the DEQ and the MSHP.

A. Contracts

Both DEQ and MSHP will cooperate regarding any required GVIP contract amendments.

B. Rules

DEQ, via the Missouri Air Conservation Commission's rulemaking authority, will promulgate rules, revisions, amendments, or rescissions for vehicle OBD emissions inspections and waivers for 1996 and newer light duty gasoline-powered vehicles and trucks and 1997 and newer diesel-powered light duty vehicles and trucks.

MSHP, via the Superintendent's rulemaking authority, will promulgate all rules, revisions, amendments, or rescissions for vehicle safety inspections.

Both DEQ and MSHP will coordinate their agency rulemakings with each other to facilitate emissions and safety inspection integration.

C. Inspection Station Oversight

DEQ will be the lead agency for auditing the emissions inspection portion of the GVIP. DEQ will employ both overt and covert audits for this purpose. DEQ will enforce statutes and rules regarding emissions inspection related violations. DEQ will notify the MSHP anytime they need documents recovered or evidence collected for an investigation. If the state's contractor cannot resolve a motorist's emissions-related complaint, DEQ personnel will conduct the complaint investigation.

MSHP will be the lead agency for auditing the safety inspection portion of the GVIP. MSHP will employ both overt and covert audits for this purpose. MSHP will enforce statutes and rules regarding safety and emissions inspection related violations. MSHP will have the power to recover documents and collect evidence in the case of either an MSHP or MDNR investigation. MSHP will collect the annual inspection station licensing fees and deposit them in the appropriate accounts. MSHP personnel will conduct complaint investigations regarding safety and emissions inspections.

DEQ and MSHP will access the VID to coordinate and conduct data audits of all licensed inspection stations. DEQ and MSHP will coordinate and conduct covert audits of licensed inspection stations and cooperate in conducting overt audits when requested. Covert audits may include the use of vehicles set up to fail the emissions portion of the GVIP. Both DEQ and MSHP may issue electronic lockouts to inspection stations violating the state's vehicle inspection rules.

D. Inspector/Mechanic Oversight

DEQ will assist the MSHP with the inspector/mechanic licensing as requested. DEQ will provide the MSHP with emissions-related questions for the inspector/mechanic exam. DEQ will provide testimony and evidence during MSHP administrative hearings when required.

MSHP will license the inspector/mechanics. MSHP will certify and administer all tests for the purpose of inspector/mechanic licensing. MSHP will serve all administrative process on inspection station owners and inspector/mechanics. MSHP will conduct all administrative hearings requested by inspection station personnel.

E. Station Signs, Posters, Application Forms

DEQ will design the station signs described in 643.320.6, RSMo, and provide these signs to the MSHP for distribution to the licensed inspection stations.

MSHP will provide each licensed station that is participating in the GVIP with one poster, as described in 643.320.6, RSMo. MSHP will provide station and inspector/mechanic application forms to facilitate inspection station and inspector/mechanic licensing.

F. Emissions Waivers

DEQ will be responsible for issuing the cost-based, out-of-area, and reciprocity waivers to eligible vehicles.

G. Inter-Agency Communication

DEQ will inform MSHP as early as possible of forthcoming significant events, such as the date of new federal requirements, emissions reduction plans, emissions inspection programs, or inclusion of new areas in any emissions inspection program.

MSHP will inform DEQ of field and enforcement activities. MSHP will cooperate with DEQ during transitions to improved or new programs or operational policies.

Both DEQ and MSHP will remain cognizant of and strive to meet the need for timely information transferal.

H. Public Information

DEQ will be responsible for the creation and distribution of public information documents or news releases concerning the emissions inspection portion of the GVIP. DEQ will inform MSHP of documents or releases that mention MSHP, or MSHP responsibilities, and seek their concurrence prior to releasing the documents.

MSHP may, at its discretion, distribute informational material developed by DEQ concerning the GVIP.

I. Effective Date

This Memorandum of Understanding is effective upon signing by both parties.

J. Signatures

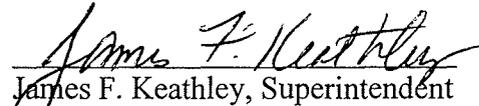
This Memorandum of Understanding and any attached appendices are agreed to and are binding on our respective agencies.

Division of Environmental Quality

Missouri State Highway Patrol



Daniel R. Schuette, Director



James F. Keathley, Superintendent

6/26/07

Date

7/3/07

Date