

From: Steve Douglas [<mailto:SDOUGLAS@autoalliance.org>]
Sent: Wednesday, October 02, 2013 8:27 PM
To: Gray, Valerie A. (DNREC)
Cc: Laura Dooley
Subject: RE: Alliance Comments on DRAFT CA LEV Rulemaking

Valerie,

I'm not sure if these regulations have been finalized yet and it's possible that I'm misreading them, but I just noticed that in some places in the regulation you changed "Medium Duty Vehicle" (MDV) to "Medium Duty Passenger Vehicle," (MDPV) while in other places that change was not made.

Assuming you intend for the regulation to apply to MDPV but not to the entire MDV class (which includes ¾- and 1-ton work-trucks like the Ford F250 or F350), you would need to insert the word "passenger" between "medium-duty" and "vehicle" in the sections below. For example, the fleet average NMOG+NOx requirement applies to MDPVs, but not to MDVs (MDVs use Vehicle Emission Credits, or VECs, to control fleet wide emissions).

Section 2.0 Applicability

2.1 Except as set forth in 2.3 of this regulation no person shall deliver for sale, offer for sale, sell, deliver, purchase, rent, acquire, receive, or register a new model year 2014 or subsequent model-year passenger car, light-duty truck, or **medium-duty vehicle** within Delaware unless the vehicle has been certified by CARB and has received a CARB Executive Order.

Section 3.0 Definitions

"Medium-duty passenger vehicle" means **medium-duty vehicle** as defined at Title 13, CCR, Section 1900.

Section 5.0 NMOG fleet average

No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, acquire, receive, purchase or rent a new vehicle that is a 2014 or subsequent model-year passenger car, light-duty truck or **medium-duty vehicle** in Delaware unless the vehicle is California-certified and complies with the following criteria:

Section 6.0

6.1.2 Effective for the 2015 and subsequent model-years, each manufacturer shall comply with the fleet average NMOG + NOx emission requirements and the LEV^{III} phase-in requirements for passenger cars, light-duty trucks and **medium-duty vehicles**, and may earn and bank NMOG + NOx credits as applicable, all in accordance with Title 13, CCR, Section 1961.2.

If you have any questions, please don't hesitate to give me a call.

Best Regards,
Steve

Steven Douglas
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From: Laura Dooley
Sent: Wednesday, October 02, 2013 2:35 PM
To: Steve Douglas
Subject: FW: Alliance Comments on DRAFT CA LEV Rulemaking

Here you go!

From: Gray, Valerie A. (DNREC) [<mailto:Valerie.Gray@state.de.us>]
Sent: Friday, August 09, 2013 11:59 AM
To: Laura Dooley
Cc: Steve Douglas; Amirikian, Ronald A. (DNREC); Morozowich, Deanna (DNREC); Mirzakhilili, Ali (DNREC); Wheeler, Philip A. (DNREC)
Subject: RE: Alliance Comments on DRAFT CA LEV Rulemaking

Laura – thank you for the comments and suggested edits to 7 DE Admin Code 1140. We have reviewed them and will be incorporating your recommendations into our draft regulation. We anticipate publishing the draft regulation on September 1st via the Delaware Register with our public hearing on our draft regulation scheduled for September 23, 2013 at 6 pm. See our website for more information.

<http://www.dnrec.delaware.gov/air/Pages/1140LEV.aspx>

Valerie Gray

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Blue Skies Delaware; Clean Air for Life



From: Laura Dooley [<mailto:ldooley@autoalliance.org>]
Sent: Wednesday, August 07, 2013 4:55 PM
To: Gray, Valerie A. (DNREC)
Cc: Steve Douglas
Subject: Alliance Comments on DRAFT CA LEV Rulemaking

Valerie –

Our technical experts from the companies did a thorough review of the draft rule dated 7.31.13. Please accept the following technical comments in advance of the formal comment period for your reference. Hopefully these edits/recommendations can be incorporated before the rule is formally published. Please let me know if you have any questions. Thank you! Laura

1. **Section 1.2** – should also include “medium duty passenger vehicles” because those vehicles are also captured in LEV III and the greenhouse gas emissions regulations.
2. **Section 3.0, Definition of “Model Year”**

Model Year means, for each vehicle manufacturer the period which begins January 1 of the calendar year in which the model is first offered for sale and ends December 31 of the final calendar year of the sale or, if the manufacturer has no annual production period, the calendar year. In case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of the completion of the chassis.

The statement highlighted in yellow has some discrepancies with the definition of “model year” in the California Health and Safety Code, Division 26, Part 1, Chapter 39038 – and fails to conform with the general rule of thumb for identifying model years that the model year must match January 1st of the same calendar year. For example, the word “begins” should be “includes.” Model year 2013 vehicles can begin on January 2, 2012 and run through December 31, 2013. The Alliance recommends that Delaware incorporate the exact same definition for “model year” that is in the California Health and Safety Code, which states:

“Model year” means the manufacturer’s annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

3. **Section 3.0, Definition of “Placed in Service”**

The Alliance does not believe DNREC needs to include a definition for “placed in service”, which is a term used solely in the ZEV portion of the California regulation. If DNREC does however elect to keep the definition in place, we recommend that it be modified to be identical to California’s language by making the following edits:

“Placed in service” means having been sold or leased to an end-user ~~ultimate purchaser~~ and not to a dealer or other distribution chain entity, and having been individually registered for on-road use by the Delaware Division of Motor Vehicles.

4. **Section 5.1.5**, delete section 1968.1 as it is the old OBD II regulations. Section 1968.2 OBD II regulations are the current regulations that apply for 2004 and beyond.
5. **Section 6.0** – just wanted to confirm that your understanding of this section allows manufacturers to use a pooled approach with other states when complying with NMOG+NO_x and other fleet requirements in the section. Your PowerPoint at the recent stakeholder meeting suggested as much, we just wanted to confirm as it is not specifically stated. Some Section 177 states specifically state this in their regulations, while others do not. That being said, all allow for pooling.
6. **Section 6.1.2** – there is a typo. NOMOG should be NMOG.
7. **Section 6.2** – need to include 1961.3 (greenhouse gas emissions) and delete 1968.1 (see comment on Section 5.1.5).
8. **Section 8.2** – Section 5.0 should be 6.0.