



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL**

OFFICE OF THE  
SECRETARY

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

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**Secretary's Order No.: 2018-A-0007**

**RE: Approving Final Regulations to Amend 7 DE Admin. Code 1140:  
*Delaware Low Emission Vehicle Program***

**Date of Issuance: February 6, 2018**

**Effective Date of the Amendment: March 11, 2018**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 7 *Del.C.* §§6006 and 6010, and the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced regulatory proceeding.

**Background, Procedural History and Findings of Fact**

This Order relates to proposed regulation amendments ("Amendments") to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*. The Department proposes to update the adoption by reference of the California standards in Table 1 of Regulation 1140. These updates are necessary to conform to the federal Clean Air Act and to Delaware's State Implementation Plan ("SIP"). Several non-substantive technical corrections are also being proposed to the current regulatory language at this time.

The federal Clean Air Act ("CAA", "Act") establishes the framework for controlling mobile source emissions. In considering the impact of air pollution on the

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public health, one finds that the aggregate emission from motor vehicles contributes a very significant impact, when compared to the impact of other air pollution sources. The *Delaware Low Emission Vehicle Program* is just one means for the Department to reduce the impact of mobile sources on the public health.

The United States Congress has sought to reduce public health impacts due to air pollutants in various sections of the original Clean Air Act and its subsequent amendments. Under Subsection 202(a)(1) of the Act, Congress directed the U.S. Environmental Protection Agency (“EPA”) to promulgate regulations applicable to the emissions of any air pollution from new motor vehicles or new motor vehicle engines that contribute to air pollution which may reasonably be anticipated to endanger the public health or welfare. To avoid disruption in the motor vehicle manufacturing industry, Congress prohibited State and local agencies from regulating new motor vehicles or new motor vehicle engines under Subsection 209(a). Recognizing that California had been regulating this industry segment prior to March 30, 1966, Congress allowed California to continue adopting new motor vehicle standards, pending the EPA’s review and approval of those standards under Subsection 209(b). Under Section 177, Congress allowed States in non-attainment areas to adopt new motor vehicle or motor vehicle engine standards, if such standards are identical to the California standards.

On December 1, 2013, Delaware adopted California’s Low Emission Vehicle III standard and the Greenhouse Gas standard into 7 DE Admin. Code 1140. On August 30, 2014, Delaware submitted 7 DE Admin. Code 1140, and requested the EPA to incorporate this updated version of Delaware’s low emission vehicle program into

Delaware's State Implementation Plan ("SIP"). The EPA approved Delaware's low emission vehicle program SIP revision on October 14, 2015.

During the first half of 2017, the Department conducted a thorough review of the California Code of Regulations, and determined that, subsequent to the most recent revisions to 7 DE Admin. Code 1140 in 2013 as noted above, California had since revised fourteen of the fifty-six Sections listed in Table 1 of that regulation. Accordingly, the Department began its internal regulatory development process to update 7 DE Admin. Code 1140, to ensure that Delaware's standards were once again made identical to California standards, as required by Section 177 of the federal Clean Air Act. It should be noted that, while updating the fourteen Sections in the current 7 DE Admin. Code 1140, the Department identified the need to make several non-substantive technical corrections to this existing regulation. These corrections have been included in the proposed regulatory amendments as well.

The Department's Division of Air Quality commenced the regulatory development process with Start Action Notice #2017-09 (July 3, 2017). The Department published its initial proposed regulation Amendments in the October 1, 2017 *Delaware Register of Regulations*. The Department then held a public hearing on October 25, 2017. Members of the public attended that hearing, however, no comment was received by the Department at that time. Consistent with 29 *Del.C.* §10118(a), the public hearing record remained open for public comment through November 10, 2017. No comment was received from the public during the post-hearing phase of this promulgation.

Hearing Officer Vest prepared a Hearing Officer's Report dated January 26, 2018 ("Report"). The Report documents the proper completion of the required regulatory amendment process, establishes the record, and recommends the adoption of the proposed Amendments as attached to the Report as Appendix "A".

### **Reasons and Conclusions**

Based on the record developed by the Department's experts and established by the Hearing Officer's Report, I find that the proposed regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, are well-supported. Therefore, the recommendations of the Hearing Officer are hereby adopted, and I direct that the proposed regulatory Amendments be promulgated as final.

I find that the Department's experts in the Division of Air Quality fully developed the record to support adoption of these regulatory Amendments. The adoption of these regulatory Amendments will enable the Department to update the adoption by reference of the fourteen California sections previously incorporated into 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, to ensure that Delaware's standards remain identical to the EPA approved California standards, as mandated in Section 177 of the Clean Air Act, as well as make necessary non-substantive technical corrections to the existing regulation.

The following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to the proposed regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, pursuant to 7 Del.C., Ch. 60;

2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del.C.*, Ch. 60, to issue an Order adopting these proposed regulatory Amendments as final;

3. The Department provided adequate public notice of the proposed regulatory Amendments, and all proceedings associated with the same, in a manner required by the law and regulations. The Department provided the public with an adequate opportunity to comment on the proposed repeal, including at the time of the public hearing held on October 25, 2017, and held the record open through close of business on November 10, 2017, consistent with 29 *Del.C.* §10118(a), in order to consider public comment on the same before making any final decision;

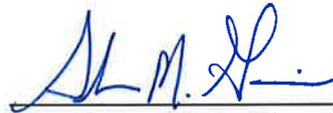
4. Promulgation of the proposed regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program* will enable the Department to (1) update the adoption by reference of the fourteen California sections previously incorporated into 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, to ensure that Delaware's standards remain identical to the EPA approved California standards, as mandated in Section 177 of the Clean Air Act; and (2) make necessary non-substantive technical corrections to the existing regulation.

5. The Department has reviewed these proposed regulatory Amendments in the light of the Regulatory Flexibility Act, consistent with 29 *Del.C.* Ch. 104, and has selected Exemption "B1" regarding same, as this proposed promulgation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses;

6. The Department's Hearing Officer's Report, including its established record and the recommended proposed regulatory Amendments as set forth in Appendix "A", are hereby adopted to provide additional reasons and findings for this Order;

7. The Department's proposed regulatory Amendments, as published in the October 1, 2017 *Delaware Register of Regulations*, and as set forth in Appendix "A" as noted above, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory Amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*; and

8. The Department shall submit this Order approving as final the proposed Amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require and the Department determines is appropriate.



Shawn M. Garvin  
Secretary

## HEARING OFFICER'S REPORT

**TO:** The Honorable Shawn M. Garvin  
Cabinet Secretary, Department of Natural Resources and Environmental Control

**FROM:** Lisa A. Vest   
Public Hearing Officer, Office of the Secretary  
Department of Natural Resources and Environmental Control

**RE:** Proposed Regulatory Amendments to 7 DE Admin. Code 1140,  
*Delaware Low Emission Vehicle Program*

**DATE:** January 26, 2018

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### **I. BACKGROUND AND PROCEDURAL HISTORY:**

A public hearing was held on Wednesday, October 25, 2017, at 6:00 p.m. at the Department of Natural Resources and Environmental Control (“DNREC”, “Department”), 89 Kings Highway, Dover, Delaware to receive comment on the proposed regulatory amendments (“Amendments”) to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*. The Department proposes to update the adoption by reference of the California standards in Table 1 of Regulation 1140. These updates are necessary to conform to the federal Clean Air Act and to Delaware’s State Implementation Plan (“SIP”). Several non-substantive technical corrections are also being proposed to the current regulatory language at this time.

The federal Clean Air Act (“CAA”, “Act”) establishes the framework for controlling mobile source emissions. In considering the impact of air pollution on the public health, one finds that the aggregate emission from motor vehicles contributes a very significant impact, when compared to the impact of other air pollution sources. The *Delaware Low Emission Vehicle Program* is just one means for the Department to reduce the impact of mobile sources on the public health.

The United States Congress has sought to reduce public health impacts due to air pollutants in various sections of the original Clean Air Act and its subsequent amendments. Under Subsection 202(a)(1) of the Act, Congress directed the U.S. Environmental Protection Agency (“EPA”) to promulgate regulations applicable to the emissions of any air pollution from new motor vehicles or new motor vehicle engines that contribute to air pollution which may reasonably be anticipated to endanger the public health or welfare. To avoid disruption in the motor vehicle manufacturing industry, Congress prohibited State and local agencies from regulating new motor vehicles or new motor vehicle engines under Subsection 209(a). Recognizing that California had been regulating this industry segment prior to March 30, 1966, Congress allowed California to continue adopting new motor vehicle standards, pending the EPA’s review and approval of those standards under Subsection 209(b). Under Section 177, Congress allowed States in non-attainment areas to adopt new motor vehicle or motor vehicle engine standards, if such standards are identical to the California standards.

On December 1, 2013, Delaware adopted California’s Low Emission Vehicle III standard and the Greenhouse Gas standard into 7 DE Admin. Code 1140. On August 30, 2014, Delaware submitted 7 DE Admin. Code 1140, and requested the EPA to incorporate this updated version of Delaware’s low emission vehicle program into Delaware’s State Implementation Plan (“SIP”). The EPA approved Delaware’s low emission vehicle program SIP revision on October 14, 2015.

During the first half of 2017, the Department conducted a thorough review of the California Code of Regulations, and determined that, subsequent to the most recent revisions to 7 DE Admin. Code 1140 in 2013 as noted above, California had since revised fourteen of the fifty-six Sections listed in Table 1 of that regulation. Accordingly, the Department began its internal

regulatory development process to update 7 DE Admin. Code 1140, to ensure that Delaware's standards were once again made identical to California standards, as required by Section 177 of the federal Clean Air Act. It should be noted that, while updating the fourteen Sections in the current 7 DE Admin. Code 1140, the Department identified the need to make several non-substantive technical corrections to this existing regulation. These corrections have been included in the proposed regulatory amendments as well.

The Department has the statutory basis and legal authority to act with regard to the proposed regulatory amendments of 7 DE Admin. Code 1140, pursuant to 7 *Del.C.*, Chapter 60. The Department's Division of Air Quality commenced the regulatory development process with Start Action Notice #2017-09 (July 3, 2017). The Department published its initial proposed regulation Amendments in the October 1, 2017 *Delaware Register of Regulations*. The proposed Amendments were then presented and thoroughly vetted by the Department at the public hearing on October 25, 2017.

Members of the public attended that hearing, but no public comment was received by the Department with regard to this matter. It should also be noted that all proper notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

## **II. SUMMARY OF THE PUBLIC HEARING RECORD:**

The public hearing record consists of the following documents: (1) a verbatim transcript; and (2) twenty-three documents introduced by responsible Department staff at the public hearing held on October 25, 2017, and marked by this Hearing Officer accordingly as "Department Exhibits 1-23". The Department's person primarily responsible for the drafting and overall

promulgation of these proposed Amendments, Renae Held, Environmental Scientist, Division of Air Quality, developed the record with the relevant documents in the Department's files.

As noted previously, the aforementioned proposed Amendments were presented and thoroughly vetted by the Department at the public hearing on October 25, 2017. No comment was received by members of the public at that time. Pursuant to Delaware law, the record remained open for fifteen (15) additional days subsequent to the date of the public hearing for the purpose of allowing additional public comment to be received regarding this proposed promulgation. The hearing record closed for comment in this matter on November 10, 2017, with no public comment having been received by the Department regarding this matter.

For the Secretary's review, a copy of the Department's proposed Amendments as published in the October 1, 2017 *Delaware Register of Regulations* is attached hereto as Appendix "A". Again, all proper notification and noticing requirements concerning this proposed promulgation were met by the Department in this matter.

### **III. RECOMMENDED FINDINGS AND CONCLUSIONS:**

Based on the record developed, I find and conclude that the Department has provided appropriate reasoning regarding the need for the proposed regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*. Accordingly, I recommend promulgation of the same in the customary manner provided by law.

Further, I recommend the Secretary adopt the following findings and conclusions:

1. The Department has the statutory basis and legal authority to act with regard to the proposed regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, pursuant to 7 *Del.C.*, Ch. 60;

2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del.C.*, Ch. 60, to issue an Order adopting these proposed regulatory Amendments as final;

3. The Department provided adequate public notice of the proposed regulatory Amendments, and all proceedings associated with the same, in a manner required by the law and regulations. The Department provided the public with an adequate opportunity to comment on the proposed promulgation, including at the time of the public hearing held on October 25, 2017, and held the record open through close of business on November 10, 2017, consistent with 29 *Del.C.* §10118(a), in order to consider public comment on the same before making any final decision;

4. Promulgation of these proposed regulatory Amendments will enable the Department to (1) update the adoption by reference of the fourteen California sections previously incorporated into 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, to ensure that Delaware's standards remain identical to the EPA approved California standards, as mandated in Section 177 of the Clean Air Act; and (2) make necessary non-substantive technical corrections to the existing regulation;

5. The Department has reviewed these proposed regulatory Amendments in light of the Regulatory Flexibility Act, consistent with 29 *Del.C.* Ch. 104, and has selected Exemption "B1" regarding same, as this proposed promulgation is not substantially likely to impose additional costs or burdens upon individuals and/or small businesses;

6. The Department's proposed regulatory Amendments, as published in the October 1, 2017 *Delaware Register of Regulations*, and as set forth in Appendix "A" hereto, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final regulatory Amendments, which

shall go into effect ten days after its publication in the next available issue of the *Delaware Register of Regulations*; and

7. The Department shall submit the proposed regulatory Amendments as final regulatory amendments to 7 DE Admin. Code 1140, *Delaware Low Emission Vehicle Program*, to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require and the Department determines is appropriate.



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LISA A. VEST  
Public Hearing Officer

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Attachments/Appendix:

Appendix A: Proposed Reg. Amendments

## **APPENDIX “A”**



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**PROPOSED REGULATIONS**

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**DIVISION OF AIR QUALITY**

Statutory Authority: 7 Delaware Code, Chapter 60 (7 Del.C. Ch. 60)  
7 DE Admin. Code 1140

**REGISTER NOTICE  
SAN # 2017-09****1140 Delaware Low Emission Vehicle Program****1. TITLE OF THE REGULATIONS:**

7 DE Admin Code 1140 Delaware Low Emission Vehicle Program

**2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:**

Congress sought to reduce public health impacts due to air pollutants in various sections of the Clean Air Act. Under Subsection 202(a), Congress stipulated that the EPA promulgate standards applicable to the emissions of any pollutant from new motor vehicles or motor vehicle engines that contribute to the endangerment of the public health or welfare. To avoid disruption in the motor vehicle manufacturing industry, Congress prohibited State and local agencies from regulating new motor vehicles or motor vehicle engines under Subsection 209(a). Recognizing that California had been regulating this industry segment prior to March 30, 1966, Congress allowed California to continue adopting new motor vehicle standards, pending the EPA's review and approval of those standards under Subsection 209(b). Under Section 177, Congress allowed States in non-attainment areas to adopt new motor vehicle or motor vehicle engine standards, if such standards are identical to the California standards.

On December 1, 2013, Delaware adopted California's Low Emission Vehicle III standard and the Greenhouse Gas standard into 7 DE Admin Code 1140. On August 30, 2014, Delaware submitted 7 DE Admin Code 1140, requesting the EPA to incorporate this updated version of Delaware's low emission vehicle program into Delaware's State Implementation Plan (SIP). The EPA approved Delaware's low emission vehicle program SIP revision on October 14, 2015. California has subsequently revised 14 sections in those standards that Delaware incorporated by reference on December 1, 2013.

The purpose of this action is to update the adoption by reference of those 14 California sections in 7 DE Admin Code 1140 to ensure that Delaware's standards remained identical to the EPA approved California standards, as mandated in Section 177.

**3. POSSIBLE TERMS OF THE AGENCY ACTION:**

None

**4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

7 Delaware Code, Chapter 60, Environmental Control

**5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:**

None

**6. NOTICE OF PUBLIC COMMENT:**

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Wednesday, October 25, 2017 in the DNREC Auditorium in the Richardson & Robbins Building located at 89 Kings Highway, Dover, DE. If you are unable to attend or wish to submit your comments in advance of the public hearing, please send your comments to address below. Interested parties may also submit written comments to the Department, to the same address below, up until the end of the comment period, which will extend through November 9, 2017, unless a longer period is designated by the hearing officer at the public hearing.

This hearing will be one of four separate hearings being held in succession, beginning at 6:00PM. Persons interested in one or more of the hearings should arrive by 6:00PM, as these changes are expected to be non-controversial and the hearings may progress quickly.

DNREC - Division of Air Quality  
Subject: 1140 Public Hearing 10/25/17  
100 W. Water Street, Suite 6A  
Dover, DE 19904

**7. PREPARED BY:**

Jim Snead (302) 323-4542    jsnead@state.de.us    September 6, 2017

**\*Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:**

<http://regulations.delaware.gov/register/october2017/proposed/21 DE Reg 278RFA 10-01-17.pdf>

**1140 Delaware Low Emission Vehicle Program**  
*(Break in Continuity of Sections)*

~~42/44/2013~~ 12/11/17

**3.0 Definitions**

The following words and terms, when used in this regulation, shall have the following meanings unless the context clearly indicates otherwise.

*(Break in Continuity Within Section)*

**"Fleet Average Emission"** means a vehicle manufacturer's average vehicle emissions of all greenhouse gases, non-methane organic gases (NMOG), or NMOG plus oxides of nitrogen (NMOG + NOx), as applicable, from all new vehicles delivered for sale or lease in Delaware in any model-year.

*(Break in Continuity of Sections)*

~~42/44/2013~~ 12/11/17

**5.0 New Vehicle Emission Requirements**

- 5.1 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, and medium-duty passenger vehicles, or medium-duty vehicle in Delaware unless the vehicle is California-certified and complies with the following criteria:

*(Break in Continuity of Sections)*

~~42/44/2013~~ 12/11/17

**7.0 Warranty**

*(Break in Continuity Within Section)*

- 7.4 Each manufacturer of a vehicle subject to 2.1 of this regulation shall include the emission control system warranty statement that complies with the requirements of Title 13, CCR, Section 2039. Manufacturers may modify this statement as necessary to inform Delaware vehicle owners of the warranty applicability. The manufacturer shall provide a telephone number appropriate for Delaware residents.

*(Break in Continuity of Sections)*

~~42/44/2013~~ 12/11/17

**10.0 Incorporation by Reference**

*(Break in Continuity Within Section)*

- 10.2 The Low Emission Vehicle Program at 7 **DE Admin. Code 1140**, ~~refer 1140 refers~~ to various section sections of Title 13 of the California Code of Regulations (CCR). Wherever 7 **DE Admin. Code 1140** refers to a specific section of the CCR, the reference is made to that version of the § section as of the section amended date provided for that section in ~~7 DE Admin. Code 1140: Table 40-1~~ Table 1 of this

# PROPOSED REGULATIONS

regulation. The Department hereby incorporates by reference each of the sections of Title 13 CCR that are listed in Table 1 as of such § section's respective ~~Amended Date~~ section amended date.

*(Break in Continuity Within Section)*

**Table 40-4 1**  
**California Code of Regulations (CCR)**  
**Title 13**  
**Provisions Incorporated by Reference**

Title 13, CCR	Title	Section Amended Date
Chapter 1 Motor Vehicle Pollution Control Devices Article 1 General Provisions		
Section 1900	Definitions	<del>As effective December 31, 2012</del> <u>July 25, 2016</u>
Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	<del>As effective December 31, 2012</del> <u>July 25, 2016</u>
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	<del>As effective December 31, 2012</del>
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	<del>As effective December 31, 2012</del>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	<del>As effective August 7, 2012</del>
Section 1961.2	Exhaust Emission Standards and Test Procedures – 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	<del>As effective December 31, 2012</del> <u>October 8, 2015</u>
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	<del>As effective December 31, 2012</del>
Section 1965	Emission Control and Smog Index Labels – 1979 and Subsequent Model Year Vehicles	<del>As effective August 7, 2012</del> <u>October 8, 2015</u>
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	<del>As effective November 27, 1999</del>
Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	<del>As effective August 7, 2012</del> <u>July 25, 2016</u>
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	<del>As effective August 7, 2012</del> <u>July 25, 2016</u>
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	<del>As effective December 31, 2012</del> <u>October 8, 2015</u>

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Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	<i>As effective August 7, 2012 <del>October 8, 2015</del></i>
Article 6 Emission Control System Warranty		
Section 2035	Purpose, Applicability and Definitions	<i>As effective November 9, 2007</i>
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles	<i>As effective May 15, 1999 <del>December 5, 2014</del></i>
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	<i>As effective August 7, 2012 <del>December 5, 2014</del></i>
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	<i>As effective August 7, 2012</i>
Section 2039	Emission Control System Warranty Statement	<i>As effective December 26, 1990</i>
Section 2040	Vehicle Owner Obligations	<i>As effective December 26, 1990</i>
Section 2041	Mediation; Finding of Warrantable Condition	<i>As effective December 26, 1990</i>
Section 2046	Defective Catalyst	<i>As effective February 15, 1979</i>
Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing Article 1 Assembly Line Testing		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model years	<i>As effective August 7, 2012</i>
Article 2 Enforcement of New and In-use Vehicle Standards		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action	<i>As effective <del>December 8, 2010</del> November 27, 1999</i>
Section 2109	New Vehicle Recall Provisions	<i>As effective December 30, 1983</i>
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model Year	<i>As effective November 27, 1999</i>
Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls		
Section 2111	Applicability	<i>As effective December 8, 2010</i>
Section 2112	Definitions	<i>As effective August 7, 2012 <del>December 5, 2014</del></i>
Appendix A to Article 2.1		
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls	<i>As effective January 26, 1995</i>
Section 2114	Voluntary and Influenced Recall Plans	<i>As effective November 27, 1999</i>
Section 2115	Eligibility for Repair	<i>As effective January 26, 1995</i>
Section 2127	Notification of Owners	<i>As effective January 26, 1995</i>
Section 2128	Repair Label	<i>As effective January 26, 1995</i>
Section 2129	Proof of Correction Certificate	<i>As effective January 26, 1995</i>

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Section 2130	Capture Rates and Alternative Measures	<i>As effective November 27, 1999</i>
Section 2131	Preliminary Tests	<i>As effective January 26, 1995</i>
Section 2132	Communication with Repair Personnel	<i>As effective January 26, 1995</i>
Section 2133	Record keeping and Reporting Requirements	<i>As effective January 26, 1995</i>
Section 2135	Extension of Time	<i>As effective January 26, 1995</i>
Article 2.3 In-Use Vehicle Enforcement Test Procedures		
Section 2136	General Provisions	<i>As effective January 8, 2008 December 8, 2010</i>
Section 2137	Vehicle <u>and Engine</u> Selection	<i>As effective December 28, 2000</i>
Section 2138	Restorative Maintenance	<i>As effective November 27, 1999</i>
Section 2139	Testing	<i>As effective August 7, 2012 December 5, 2014</i>
Section 2140	Notification of In-Use Results	<i>As effective August 7, 2012 December 5, 2014</i>
Article 2.4 Procedures for Reporting Failure of Emission-Related Components		
Section 2141	General Provisions	<i>As effective December 8, 2010</i>
Section 2142	Alternative Procedures	<i>As effective February 23, 1990</i>
Section 2143	Failure Levels Triggering Recall	<i>As effective November 27, 1999</i>
Section 2144	Emission Warranty Information Report	<i>As effective November 27, 1999</i>
Section 2145	Field Information Report	<i>As effective August 7, 2012</i>
Section 2146	Emissions Information Report	<i>As effective November 27, 1999</i>
Section 2147	Demonstration of Compliance with Emission Standards	<i>As effective August 7, 2012 December 5, 2014</i>
Section 2148	Evaluation of Need for Recall	<i>As effective November 27, 1999</i>
Section 2149	Notification of Subsequent Action	<i>As effective February 23, 1990</i>
Chapter 3 Surveillance Testing		
Section 2150	Assembly-Line Surveillance	<i>As effective December 30, 1983</i>
Section 2151	New Motor Vehicle Dealer Surveillance	<i>As effective December 30, 1983</i>
Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks		
Section 2235	Requirements	<i>As effective <del>August 7</del> August 8, 2012</i>

~~42/44/2043~~ 12/11/17

### 11.0 Document Availability

Any of the documents incorporated by reference may be obtained either from the Department or from the State of California Office of Administrative Law, 300 Capitol Mall, Suite 1250 Sacramento, California 95814-4339 or at the California Office of Administrative Law website at: <http://www.oal.ca.gov/>.

**\*Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:**

1140 Delaware Low Emission Vehicle Program

