

Title 7 DNREC
1100 Air Quality Management Section

REGULATION NO. 40

1140 Delaware's National Low Emission Vehicle (NLEV) Regulation

09/11/1999

~~Section 1—~~

1.0 Applicability

The environmental benefits of this regulation will be realized in all counties in the State of Delaware.

09/11/1999

~~Section 2—~~

2.0 Definitions

The following terms, when used in this regulation, shall have the following meanings:

“**NLEV Program**” or “**National Low Emission Vehicle Program**” means a federally enforceable, voluntary nationwide clean car program designed to reduce smog and other pollution from new motor vehicles and that would achieve emission reductions from new motor vehicles in the Ozone Transport Region equivalent to or greater than would be achieved by the adoption of the CAL-LEV (California-Low Emission Vehicle) Program by all the OTC states.

09/11/1999

~~Section 3—~~

3.0 Program Participation

3.1 ~~(a)~~—For the duration of Delaware's participation in NLEV, manufacturers may comply with NLEV or equally stringent mandatory federal standards in lieu of compliance with any program, including the provisions of this subchapter and including any mandates for sales of ZEVs (zero emission vehicles), adopted by the State pursuant to the authority provided in Section 177 of the Clean Air Act (CAA), 42 U.S.C. Section 7401 et seq., applicable to passenger cars, light-duty trucks up through 6,000 pounds GVWR (gross vehicle weight rating), and/or medium-duty vehicles from 6,001 to 14,000 pounds GVWR if designed to operate on gasoline, as these categories of motor vehicles are defined in the California Code of Regulations, Title 13, Division 3, Chapter 1, Article 1, Section 1900, incorporated herein by reference.

3.2 ~~(b)~~ Delaware's participation in NLEV extends until the commencement of model year 2006, except as provided in 40 C.F.R. Section 86.1707. If, no later than December 15, 2000, the EPA does not adopt standards at least as stringent as the NLEV standards provided in 40 C.F.R. Part 86, subpart R, that apply to new motor vehicles in model year 2004, 2005 or 2006, the State's participation in NLEV extends only until the commencement of model year 2004, except as provided in 40 C.F.R. Section 86.1707.

3.3 ~~(e)~~ If a covered manufacturer, as defined at 40 C.F.R. 86.1702, opts out of the NLEV program pursuant to the EPA NLEV regulations at 40 C.F.R. Section 86.1707, the transition from NLEV requirements to any state Clean Air Act Section 177 Program applicable to passenger cars, light-duty trucks up through 6000 pounds GVWR, and/or medium-duty vehicles from 6001 to 14,000 pounds GVWR if designed to operate on gasoline, as these categories of motor vehicles are defined in the California Code of Regulations, Title 13, Division 3, Chapter 1, Article 1, Section 1900, incorporated herein by reference will proceed in accordance with the EPA NLEV regulations at 40 C.F.R. Section 86.1707.