

Proposed Regulation Number 20 Colorado Low Emission Automobile Regulation

REQUEST FOR HEARING

August 16, 2018

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Request Overview

- New Vehicle Emissions Certifications - Summary
- Governor Hickenlooper's Executive Order
- The Proposed Rule – What It Is; and What it Isn't
- Proposed Timing
- Projected Costs and Benefits

New Vehicle Emissions Certification – -Overview of How It Works

- New cars are designed and built to meet either Federal or California new-car emissions standards
- Federal and California standards were harmonized for 2017 and later model years
- A greenhouse gas (GHG) standards change for the 2021 and later model years has been proposed be rescinded (Rolled Back to 2020 standards) for federal certifications,
- California certified cars may or may not still be required to meet the more-stringent 2021 and later GHG Standard (pending federal action)
- 13 States have chosen to adopt California new-car certification standards under Section 177 of the Fed Clean Air Act – ‘177 States’

Governor's Executive Order B2018-006

"Maintaining Progress On Clean Vehicles" June 19, 2018

- Directs CDPHE to:
 - *Develop a rule to establish a Colorado LEV (Low Emission Vehicle) program, which incorporates the requirements of the California LEV program; and*
 - *Propose that rule to the Air Quality Control Commission during its August 2018 meeting for possible adoption into the Colorado Code of Regulations by December 30, 2018.*
- Reduction of GHG, but with potential for some reductions of ozone-forming emissions



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The Proposed Rule Does:

- Require all passenger cars, Light Duty and Medium Duty Trucks (<14k GVWR) and engines sold/leased in Colorado to be California certified
- Implement with the 2022 Model year (Jan 2021)
- Incorporate 52 California Code of Regulations sections by reference
- Intend to implement California Car standards with a minimum of additional requirements on Manufacturers and Dealers
- Require Aftermarket Catalytic Convertors to be California certified

The Proposed Rule Does *NOT* affect:

- Heavy Duty Vehicles (>14k GVWR)
- Non-road Equipment (construction, agricultural, small engines, etc.)
- Fuel specifications
- Sales of Zero Emissions Vehicles
 - i.e. there is no ZEV Mandate in the proposed Rule
- Vehicles in the existing fleet – a.k.a. - used vehicles



The Proposed Rule - Timing

- The Directive states:
 - *Propose that rule to the Air Quality Control Commission during its August 2018 meeting for possible adoption into the Colorado Code of Regulations by December 30, 2018.*
- CAA Section 177 requires an adopting state to allow a two-model-year implementation schedule from the time a regulation is adopted
 - 2020 Model Year 'begins' 1/2/2019
 - 2022 Model Year 'begins' 1/2/2021
 - Colorado rule must be in effect no later than December 31, 2018 for 2022 MY

Potential Benefits and Costs*

- \$750 m in compliance costs (\$954/vehicle to meet CA standards)
- Fuel cost savings \$2.9 b over the life of the vehicles (\$3,412/vehicle)
- 2M tons of CO2 reduced through year 2030
- Possible criteria benefits – undetermined
- *Assumes a federal GHG rollback and Colorado adopting CA GHG standards

Division Request

- Set the Proposed Rule for Hearing in November 2018

State	Legislation	Year Adopted	Model Year Effective	ZEV Mandate	Current Regulation	Year amended	Model Year Effective	MDV and MDPV included	Notes
California	AB 1493	2002	2005	Yes					
New Jersey	P.L. 2003, Chapter 266	2004	2009	Yes	TITLE 7 CHAPTER 27 SUBCHAPTER 29 Low Emission Vehicle (LEV) Program	2011		No	
Connecticut	Public Act 04-84	2004	2008	Yes	Section 22a-174-36c. Low Emission Vehicle III Program.	2013	2015	Only MDPV	
Washington	House Bill 1397	2005	2009	No	Chapter 173-423 WAC Low Emission Vehicles			Only MDPV	
Vermont	Amendments to Subchapter XI	2005	2009	Yes	Subchapter XI. Low Emission Vehicle Program.			Yes	
New York	Chapter III, Subpart 218-8	2005	2009	Yes	https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Ib5bd2690b5a011dda0a4e17826ebc834&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)			Yes	
Maine	Amendments to Chapter 127	2005	2009	Yes	Chapter 127 New Motor Vehicle Emission Standard			Yes	and diesel
Rhode Island	Air Pollution Control Regulation No. 37	2005	2009	Yes	Air Pollution Control Regulation No. 37			Yes	
Massachusetts	Amendments to the state's LEV regulations	2005	2009	Yes	310 CMV U7:40			Yes	and heavy-duty
Oregon	Regulations (Division 257; OAR 340-256-0220)	2006	2009	Yes	Chapter 340 Division 257 Oregon Low Emission Vehicles	2013	2015+	Yes	
Pennsylvania	Amendments to Title 25, Chapters 121 and 126	2006	2008	No	Chapter 126 Subchapter D. PENNSYLVANIA CLEAN VEHICLES PROGRAM			No	
Maryland	Senate Bill 103	2007	2011	Yes	http://mdrules.elaws.us/comar/26.11.34			Yes	GHG only for MDPV
Washington D.C.	Act 17-323	2008	2012	No	https://code.dccouncil.us/dc/council/code/sections/50-731.html			Yes	
Delaware	Regulation 1140	2010	2014	No	1140 Delaware Low Emission Vehicle Program			Yes	
Colorado	AQCC Regulation No. 20	2018	2022	No	AQCC Regulation No. 20 Colorado Low Emission Automobile Regulation (CLEAR)	NA	NA	Yes	

Section	Title	Section Amended Date
Chapter 1 Motor Vehicle Pollution Control Devices		
Article 1. General Provisions		
1900	<i>Definitions</i>	July 25, 2016
Article 2. Approval of Motor Vehicle Pollution Control Devices (New Vehicles)		
1956.8(c) and (h)	Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles – (<i>Medium Duty Vehicle GHG standards only</i>)	October 16, 2017
1961.2	Exhaust Emission Standards and Test Procedures – 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	October 8, 2015
1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.	December 31, 2012
1965	Emission Control and Smog Index Labels – 1979 and Subsequent Model Year Vehicles	October 8, 2015
1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	July 25, 2016
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	October 8, 2015
1978	Standards and Test Procedures for Vehicle Refueling Emissions	October 8, 2015
Article 6. Emission Control System Warranty		
2035	Purpose, Applicability and Definitions	November 9, 2007

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	December 5, 2014
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	August 7, 2012
2039	Emission Control System Warranty Statement	December 26, 1990
2040	Vehicle Owner Obligations	December 26, 1990
2041	Mediation; Finding of Warrantable Condition	December 26, 1990
2046	Defective Catalyst	February 15, 1979
Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing		
Article 1. Assembly-Line Testing		
2062	Assembly-line Test Procedures 1998 and Subsequent Model years	August 7, 2012
Article 2. Enforcement of New and In-use Vehicle Standards		
2109	New Vehicle Recall Provisions	December 30, 1983
Article 2.1. Procedures for In-Use Vehicle Voluntary and Influenced Recalls		
2111	Applicability	December 8, 2010
2112	Definitions	December 5, 2014
2113	Initiation and Approval of Voluntary and Influenced Emission-Related Recalls	January 26, 1995
2114	Voluntary and Influenced Recall Plans	November 27, 1999
2115	Eligibility for Repair	January 26, 1995
2116	Repair Label	January 26, 1995

2117	Proof of Correction Certificate	<i>January 26, 1995</i>
2118	Notification.	<i>January 26, 1995</i>
2119	Recordkeeping and Reporting Requirements	<i>November 27, 1999</i>
2120	Other Requirements Not Waived	<i>January 26, 1995</i>
2121	Penalties	<i>January 26, 1995</i>
Article 2.2. Procedures for In-Use Vehicle Ordered Recalls		
2122	General Provisions	<i>December 8, 2010</i>
2123	Initiation and Notification of Ordered Emission-Related Recalls	<i>January 26, 1995</i>
2124	Availability of Public Hearing	<i>January 26, 1995</i>
2125	Ordered Recall Plan	<i>January 26, 1995</i>
2126	Approval and Implementation of Recall Plan	<i>January 26, 1995</i>
2127	Notification of Owners	<i>January 26, 1995</i>
2128	Repair Label	<i>January 26, 1995</i>
2129	Proof of Correction Certificate	<i>January 26, 1995</i>
2130	Capture Rates and Alternative Measures	<i>November 27, 1999</i>
2131	Preliminary Tests	<i>January 26, 1995</i>
2132	Communication with Repair Personnel	<i>January 26, 1995</i>
2133	Record keeping and Reporting Requirements	<i>January 26, 1995</i>
2134	Penalties	<i>January 26, 1995</i>
2135	Extension of Time	<i>January 26, 1995</i>
Article 2.3. In-Use Vehicle Enforcement Test Procedures		
2139	Testing	<i>December 5, 2014</i>
Article 2.4. Procedures for Reporting Failure of Emission-Related Components		
2141	General Provisions	<i>December 8, 2010</i>

2142	Alternative Procedures	<i>February 23, 1990</i>
2143	Failure Levels Triggering Recall	<i>November 27, 1999</i>
2144	Emission Warranty Information Report	<i>November 27, 1999</i>
2145	Field Information Report	<i>August 7, 2012</i>
2146	Emissions Information Report	<i>November 27, 1999</i>
2147	Demonstration of Compliance with Emission Standards	<i>December 5, 2014</i>
2148	Evaluation of Need for Recall	<i>November 27, 1999</i>
2149	Notification of Subsequent Action	<i>February 23, 1990</i>
Chapter 4. Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives		
Article 2. Aftermarket Parts		
2222 (h), (i) and (k)	Add-On Parts and Modified Parts	<i>April 17, 2017</i>