

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

IN THE MATTER OF:

CLEAN FUEL FLEET PROGRAM:
PROPOSED 35 ILL. ADM. CODE 241

)
)
) R95-12
) (Rulemaking-Air)
)
)

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by J. Yi):

On March 30, 1995 the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. Sections 182(c)(4)(A) and 246 of the Clean Air Act (CAA) (42 U.S.C § 7511(c)(4)(A) and §7586(199)), require all serious, severe, and extreme ozone nonattainment areas (NAA) to adopt a clean-fuel fleet program (CFFP) by May 15, 1994. In Illinois, the Chicago area is classified as a severe NAA and is subject to the CFFP. The attainment date for the Chicago area is 2007. Pursuant to CFFP, if certain fleet owners acquire new motor vehicles, beginning model year 1998 and thereafter, a specified percentage of these new motor vehicles must be clean fuel fleet vehicles (CFFVs) which meet the federal low emission standards established by the United States Environmental Protection Agency for the CFFP.

This proposal was filed pursuant to Section 28.5 of the Environmental Protection Act (Act). (415 ILCS 5/28.5 (1992).) Pursuant to the provisions of that section the Board is required to proceed within set timeframes toward the adoption of the regulation. The Board has no discretion to adjust these time frames under any circumstances. Today the Board acts to send this proposal to first notice under the Illinois Administrative Procedure Act without commenting on the merits of the proposal. The following schedule indicates the deadlines by which the Board must act as provided in Section 28.5:

First Notice	on or before April 13, 1995
First Hearing	on or before May 23, 1995
Second Hearing	on or before June 22, 1995
Third Hearing	on or before July 6, 1995
Second Notice	
(if 3rd hearing cancelled)	on or before August 2, 1995
(if 3rd hearing held)	on or before August 22, 1995
Final Adoption or Filing	21 days after receipt of JCAR certification of no objection

The Board notes that the above dates are the deadlines as established by Section 28.5 and do not represent actual hearing

dates or filing dates. While the schedule includes a second and third hearing, these hearings may be cancelled if unnecessary. The Board will proceed in this matter as prescribed in Section 28.5 and discussed in the Board's resolution. (See RES 92-2 (October 29, 1992 and December 3, 1992).)

The Agency has filed a "Motion for Waiver of Certain Requirements" with the proposal. The Agency requests waiver of the following requirements: Section 102.120 of the Board's Procedural Rules requires that the original and nine copies of each proposal be filed with the Clerk. The Agency requests that it be allowed to file the original and five complete copies of the proposal plus four partial copies, the latter consisting of pleadings and the proposed rules absent supporting exhibits. The Agency also requests that it be required to submit only one copy of the documents incorporated by reference in the proposed addition of the 35 Ill.Adm.Code Part 241. They are as follows: (a) Emission Standards for Clean-Fuel Vehicles, 40 CFR Part 88, Subpart A, and 59 Fed.Reg.50058 (September 30, 1994); and (b) Clean Fuel Fleet Program, 40 CFR Part 88, Subpart C (1994). Section 102.120 also requires that a regulatory proposal be served on the Attorney General and the DENR. The Agency need not supply the Attorney General and the DENR with a copy of the entire proposal, provided that the office be formally notified that a proposal has been made and where the proposal could be reviewed. Pursuant to Section 28.5(e)(7), the Agency is to submit copies of all documents it relied upon in the development of the proposal or upon which it intends to rely at hearing. The Board grants the Agency's motion.

In the interest of administrative economy, the Board directs the hearing officer to verify that persons on the notice list in this proceeding wish to continue to receive mailings in this proceeding.

ORDER

The Board directs the Clerk to cause publication of the following amendments in the Illinois Register for first notice:

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER II: POLLUTION CONTROL BOARD

PART 241
 CLEAN FUEL FLEET PROGRAM

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Table 1b:	Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
Table 1c:	Credits Needed in Lieu of Acquiring a Light-Duty LEV
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Table 2c:	Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

AUTHORITY: Implementing Sections 9, 9.1, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/9, 9.1, 10, 27, and 28.5).

SOURCE: Adopted at R95-12 at ___ Ill. Reg. ____, effective ____.

SUBPART A: GENERAL PROVISIONS

Section 241.101 Other Definitions

Unless otherwise defined herein and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall have the meanings specified by 35 Ill. Adm. Code 201.102 and 35 Ill. Adm. Code Part 211. The definitions in Section 241.102 of this Part are applicable only to the provisions of this Part.

Section 241.102 Definitions

"Adjusted loaded vehicle weight (ALVW)" means the numerical average of the vehicle curb weight and the GVWR, as designated by the manufacturer.

"Capable of being centrally fueled" means a motor vehicle that can be refueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Motor vehicles that are under normal conditions garaged at a personal residence are not considered to be capable of being centrally fueled and are exempt from the program unless they are, in fact, centrally fueled. The fact that one or more motor vehicles in a fleet are not capable of being centrally fueled does not exempt

an entire fleet from the program. To determine whether a motor vehicle is capable of being centrally fueled 100 percent of the time, the owner or operator shall perform the following calculation for each motor vehicle in the fleet for which an exemption under Section 241.111(a)(10) of this Subpart is being claimed, and, annually thereafter, if additional new covered fleet vehicles are acquired and an exemption is claimed under Section 241.111(a)(10) of this Subpart:

For each motor vehicle, sum the miles it is driven for a three month period beginning May 1, 1997, or the first day of the first full month in which the fleet may be covered.

Divide total miles for the given time period for each motor vehicle by its number of round trips. A round trip occurs each time a motor vehicle leaves its location and returns to its location.

If the average number of miles per round trip for the motor vehicle is less than 300 miles, then the motor vehicle is capable of being centrally fueled.

"Centrally fueled" means a motor vehicle that is fueled 100 percent of the time at a location that is owned, operated, or controlled by the covered fleet owner or operator, or is under contract with the covered fleet owner or operator. Any motor vehicle that is under normal operations garaged at a personal residence at night but that is, in fact, centrally fueled 100 percent of the time shall be considered to be centrally fueled for the purpose of this definition. The fact that one or more motor vehicles in a fleet are not centrally fueled does not exempt an entire fleet from the program.

"Clean alternative fuel" means any fuel (including methanol; ethanol; or other alcohols containing 85 percent or more by volume of such alcohol with gasoline or other fuels; reformulated gasoline; diesel; natural gas; liquefied petroleum gas; and hydrogen) or power source (including electricity) used in a clean fuel vehicle that complies with the standards and requirements applicable to such motor vehicle under this Part when using such fuel or power source. In the case of any flexible fueled vehicle or dual fueled vehicle, the term "clean alternative fuel" means only a fuel with respect to which such motor vehicle was certified as a clean fuel vehicle meeting the emission standards applicable to such motor vehicle weight class as set forth in Appendix A and in 40 CFR Part 88, Subpart A, incorporated by reference at Section 241.104 of this Subpart, when operating on clean alternative fuel.

"Clean fuel vehicle" means a motor vehicle in a class or category of motor vehicles (e.g., LDVs, LDTs, or HDVs) which have been certified by USEPA to meet the clean fuel vehicle standards applicable under Subpart B of this Part.

"Control" shall have the following meanings:

When it is used to join all entities under common management, means any one or a combination of the following:

Any person that has equity ownership of 51 percent or more in each of two or more firms;

Two or more firms have common officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or

One firm leases, operates, supervises or in 51 percent or greater part owns equipment and/or facilities used by another person or firm, or has equity ownership of 51 percent or more of another firm.

When it is used to refer to the management of motor vehicles, means a person has the authority to decide who can operate a particular motor vehicle, and the purposes for which the motor vehicle can be operated.

When it is used to refer to the management of people, means a person has the authority to direct the activities of another person or employee in a precise situation, such as at the workplace.

"Covered area" means the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry and Will and the Townships of Aux Sable and Goose Lake in Grundy County and the Township of Oswego in Kendall County.

"Covered fleet" means ten or more covered fleet vehicles which are owned or operated by a person. In determining the number of covered fleet vehicles owned or operated by a person for purposes of this Part, all motor vehicles owned or operated, leased or otherwise controlled by such person, and by any person who controls such person, and by any person under common control with such person shall be treated as owned by such person. Covered fleets include distributed and partially covered fleets.

"Covered fleet owner or operator" means a person who operates, owns, or controls a fleet of at least ten covered fleet vehicles that are located or primarily

operated in the covered area (even if the covered fleet vehicles are garaged outside of the covered area).

"Covered fleet vehicle" means a motor vehicle which is:

In a vehicle class for which standards are applicable under this Part; and

In a covered fleet which is centrally fueled or capable of being centrally fueled. Covered fleet vehicle shall not include motor vehicles exempt under Section 241.111 of this Part.

"Curb weight" means the empty weight of the motor vehicle, without load or passengers, as designated by the manufacturer.

"Date of vehicle acquisition" means the date on which legal or equitable title was transferred to the current owner or operator of the motor vehicle.

"Dealer" means any person whose primary business is in the sale or the distribution of motor vehicles to a purchaser or an ultimate purchaser.

"Dealer demonstration vehicle" means any motor vehicle that is operated by a dealer solely for the purpose of promoting motor vehicle sales, either on the sales lot or through other marketing or sales promotions, or for permitting potential purchasers to drive the motor vehicle for pre-purchase or pre-lease evaluation.

"Distributed fleet" means a fleet which is owned by a person or covered fleet owner or operator, but whose motor vehicles are operated in the covered area from different locations. A distributed fleet is considered to be a covered fleet if it consists of ten or more covered fleet vehicles which are located in or primarily operated in the covered area.

"Dual fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on two different fuels, but not on a mixture of the fuels.

"Emergency vehicle" means any motor vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.

"Fleet" means 10 or more motor vehicles that are under the control of a person.

"Flexible fueled vehicle" means any motor vehicle engineered and designed, or converted in accordance with Sections 241.113(e) and 241.114 of this Part, such that it may be operated on any mixture of two or more different fuels.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs but less than or equal to 26,000 lbs. Emission standards and credit values for HDVs are set forth in Tables 1d, and 2a, 2b, and 2c, of Appendices A and B, respectively, of this Part.

"Inherently Low Emission Vehicle (ILEV)" means any LDV or LDT certified to the applicable ILEV evaporative emission standard found in 40 CFR Part 88, incorporated by reference at Section 241.104 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Law enforcement vehicle" means any motor vehicle which is primarily operated by a civilian or military police officer or sheriff, or by personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government, or by state highway patrols, municipal law enforcement agencies, or other similar law enforcement agencies, and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.

"Light-duty truck (LDT)" means a motor vehicle whose GVWR is no more than 8,500 lbs. Emission standards and credit values for LDTs are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 6,000 lbs. Emission standards and credit values are set forth in the tables found in Appendices A and B, respectively, of this Part.

"Loaded vehicle weight (LVW)" means the curb weight of the vehicle, as specified by the manufacturer, plus 300 lbs.

"Location" means any building, structure, facility, or

installation which is owned or operated by a person, or is under the control of a person, or is located on one or more contiguous properties and contains or could contain a fueling pump(s) or system for the use of the vehicles owned or controlled by that person.

"Low Emission Vehicle (LEV)" means any LDV or LDT, or any HDV with an engine certified to the applicable federal low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Subpart.

"Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines; or importing such vehicles or engines for resale; or who acts for and is under the control of any such person in connection with the distribution of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, but shall not include any dealer with respect to new motor vehicles, new motor vehicle engines, new nonroad vehicles, or new nonroad engines received by such dealer in commerce.

"Model year (MY)" means September 1 of any year through August 31 of the following year (e.g. September 1, 1997 through August 31, 1998 is MY 1998).

"Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

"Motor vehicles held for lease or rental to the general public" means a motor vehicle that is owned or controlled primarily for the purpose of short-term rental or extended-term leasing (with or without maintenance), without a driver, pursuant to a contract.

"New covered fleet vehicle" means a motor vehicle that has not been previously controlled by the current purchaser, regardless of the model year, except as follows: motor vehicles that were manufactured before the start of the fleet program for such motor vehicle's weight class, motor vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations, motor vehicles transferred as part of an employee transfer, or motor vehicles transferred for seasonal requirements (i.e., less than 120 days) are not considered new. This definition of new covered fleet vehicle is distinct from the definition of new motor vehicle as it applies to manufacturer certification, including the certification of motor vehicles to the clean fuel standards.

"New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

"Owned or operated, leased or otherwise controlled by such person" means either of the following:

Such person holds the beneficial title to such motor vehicle; or

Such person uses the motor vehicle for transportation purposes pursuant to a contract or similar arrangement, and the term of such contract or similar arrangement is for a period of 120 days or more, and such person has control over the motor vehicle.

"Partially-covered fleet" means a fleet of 10 or more motor vehicles that is located or primarily operated in the covered area and which contains both covered fleet vehicles and exempted fleet vehicles.

"Person" means an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

"Primarily operated in the covered area" means at least 75 percent of the miles driven annually by a nonexempt motor vehicle are in the covered area. To determine whether a motor vehicle is primarily operated in the covered area, the owner or operator of a covered fleet shall, for each motor vehicle that it is claiming is not primarily operated in the covered area, perform the following calculation:

Sum the number of miles the motor vehicle is driven annually in the covered area;

Sum the number of miles the motor vehicle is driven annually outside of the covered area; and

If the annual number of miles driven in the covered area is at least 75% of all miles driven annually by the motor vehicle, then the motor vehicle is considered to be primarily operated in the covered area.

"Ultimate purchaser" means with respect to a new motor vehicle, the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale.

"Ultra Low Emission Vehicle (ULEV)" means any LDV or LDT, or any HDV with an engine certified to the

applicable federal ultra low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.

"Under normal conditions garaged at a personal residence" means a motor vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a centrally refueling, maintenance, and/or business location.

"Vehicle used for motor vehicle manufacturer product evaluations and tests" means a motor vehicle that is owned and operated by a motor vehicle manufacturer, or motor vehicle component manufacturer; or owned or held by a university research department, independent testing laboratory, or other such evaluation facility, solely for the purpose of evaluating the performance of such motor vehicle for engineering, research and development, or quality control reasons.

"Zero Emission Vehicle (ZEV)" means any LDV or LDT, or any HDV certified to the applicable federal zero emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR Part 88, Subpart A, incorporated by reference in Section 241.104 of this Subpart.

Section 241.103

Abbreviations

Agency	Illinois Environmental Protection Agency
ALVW	adjusted loaded vehicle weight
CO	carbon monoxide
g/bhp-hr	grams per brakehorsepower-hour
g/mi	grams per mile
GVWR	gross vehicle weight rating
HCHO	formaldehyde
HDV	heavy-duty vehicle
ILEV	inherently low emission vehicle
kg	kilograms
lbs	pounds
LDT	light-duty truck
LDV	light-duty vehicle
LEV	low emission vehicle
LVW	loaded vehicle weight
MY	model year
NMOG	non-methane organic gas
NMHC	non-methane hydrocarbon
NOx	oxides of nitrogen
PM	particulate matter
THC	total hydrocarbon
ULEV	ultra low emission vehicle
VIN	vehicle identification number
ZEV	zero emission vehicle

Section 241.104 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

- a) Clean Fuel Vehicles, 40 CFR Part 88, Subpart A and 59 Fed. Reg. 50058 (September 30, 1994); and
- b) Clean Fuel Fleet Program, 40 CFR Part 88, Subpart C (1993).

SUBPART B: GENERAL REQUIREMENTS

Section 241.110 Applicability

- a) The requirements of this Part shall apply to owners or operators of covered fleets. Covered fleets include distributed and partially covered fleets.
- b) Notwithstanding subsection (a) of this Section, an owner or operator of a covered fleet who owns, operates, or controls motor vehicles which are located or primarily operated in the covered area, but are regulated by the state of Indiana or Wisconsin as part of that state's Clean Fuel Fleet Program, as required by section 246 of the CAA, are only required to comply with the requirements of Section 241.115 of this Subpart.
- c) A fleet owner or operator who owns or leases fewer than ten covered fleet vehicles shall become a covered fleet owner or operator on the date that the owner or operator acquires legal or equitable title to a motor vehicle which causes such fleet owner's or operator's fleet to equal or exceed ten covered fleet vehicles.

Section 241.111 Exemptions

- a) The following motor vehicles are exempt from the requirements of Section 241.113 of this Subpart and are not considered to be covered fleet vehicles or included in the 10 motor vehicle count criterion of a covered fleet, whether or not such motor vehicles are part of a covered fleet which is subject to the control requirements of this Subpart:
 - 1) Motor vehicles held for lease or rental to the general public;
 - 2) Motor vehicles held for sale by dealers (including demonstration vehicles);
 - 3) Motor vehicles used for manufacturer product evaluations or tests;
 - 4) Law enforcement vehicles and other emergency

vehicles;

- 5) Motor vehicles not registered to operate on public roadways;
 - 6) Motor vehicles in excess of 26,000 lbs GVWR;
 - 7) Motor vehicles determined by the Secretary of Defense of the United States to be exempt from the program for national security reasons;
 - 8) Antique vehicles as defined in Section 1-102.1 of the Illinois Vehicle Code [625 ILCS 5/1-102.1 (1992)];
 - 9) Motorcycles, motor driven cycles, and motorized pedal cycles as defined in Sections 1-147, 1-148, and 1-148.2 of the Illinois Vehicle Code [625 ILCS 5/1-147, 1-148, and 1-148.2 (1992)];
 - 10) Motor vehicles that are not capable of being centrally fueled; and
 - 11) Motor vehicles that are under normal conditions garaged at a personal residence, unless they are, in fact, centrally fueled.
- b) Notwithstanding subsection (a) of this Section, motor vehicles that are exempt from the requirements of Section 241.113 of this Subpart, but are part of a covered fleet, are subject to the reporting and recordkeeping requirements in Sections 241.140 and 241.141 of this Part.
 - c) Owners or operators of a fleet claiming that a motor vehicle is exempt under subsection (a)(10) of this Section must demonstrate that the motor vehicle is not capable of being centrally fueled and must comply with the recordkeeping requirements of Section 241.141(b) of this Part.

Section 241.112 Registration of Fleet Owners or Operators

- a) An owner or operator of a covered fleet must apply for a fleet registration number on or before September 1, 1997, or within 60 days after becoming a covered fleet owner or operator, by providing the following information to the Agency:
 - 1) The owner or operator's, and if applicable, the company's, name and address;
 - 2) Signature of the owner or operator;
 - 3) The location of records and reports required by

this Part, including the contact person's name, address, and telephone number;

- 4) The number of motor vehicles in the fleet; and
 - 5) The VIN for each motor vehicle and, if applicable, whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.
- b) Fleet owners or operators shall include their fleet registration number on all reports or other correspondence submitted to the Agency for the Clean Fuel Fleet Program.
 - c) Fleet owners or operators participating in the credit program, as set forth in Subpart C of this Part, must register with the Agency by providing the information required in subsection (a) of this Section.

Section 241.113 Control Requirements

- a) Any covered fleet owner or operator who acquires one or more new covered fleet vehicles in a model year must meet the emission standards in subsection (e) of this Section for the following percentages of new covered fleet vehicle acquisitions:
 - 1) The portion of the acquisition of light-duty new covered fleet vehicles that must be light-duty clean fuel vehicles in any model year (MY) are as follows:
 - A) In MY 1998, at least 30 percent;
 - B) In MY 1999, at least 50 percent; and
 - C) In MY 2000 and every MY thereafter, at least 70 percent.
 - 2) The portion of the acquisition of heavy-duty new covered fleet vehicles that must be heavy-duty clean fuel vehicles shall be 50 percent of the total number of heavy-duty new covered fleet vehicles acquired in each model year, commencing in MY 1998 and thereafter.
- b) Any fraction of a new clean fuel vehicle acquisition requirement resulting from the percentage calculation in subsection (a)(1) or (a)(2) of this Section may be carried over and added to the new clean fuel vehicle acquisition requirement in the next model year for that type of clean fuel vehicle (i.e. LDV and LDT, or HDV) in which an acquisition of such a clean fuel vehicle is required pursuant to subsection (a) of this Section.

- c) An owner or operator's light-duty and heavy-duty clean fuel vehicle acquisition requirements in a given model year shall be the number of clean fuel vehicles calculated in subsections (a)(1) and (a)(2) of this Section plus any fraction of the same category and weight class (i.e., LDV/LDT or HDV) of motor vehicle acquisition requirements carried over from a preceding year.
- d) Notwithstanding subsections (b) and (c) of this Section, in any model year no owner or operator shall:
 - 1) Fall short of the acquisition requirements for new LDV/LDT or HDV clean fuel vehicles by an amount equal to or greater than one motor vehicle unit;
 - 2) Meet the acquisition requirements for clean fuel LDVs or LDTs through acquisition of clean fuel HDVs; or
 - 3) Meet the acquisition requirements for clean fuel HDVs through the acquisition of clean fuel LDVs or LDTs.
- e) Motor vehicles acquired to meet the requirements of subsection (a) of this Section or Subpart C of this Part must be certified by USEPA to meet the federal emission certification standards of either LEV, ULEV, ZEV, or ILEV for a clean alternative fuel(s), as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.
- f) The owner or operator must meet the acquisition requirements of subsection (a) of this Section by acquiring clean fuel vehicles or redeeming credits equal to or greater than the number of vehicle units calculated in accordance with subsection (a) of this Section through one or more of the following:
 - 1) Purchase or lease clean fuel vehicles certified by USEPA to meet any of the LEV, ULEV, ZEV, or ILEV standards referenced in subsection (e) of this Section;
 - 2) Conversion of existing or new motor vehicles to meet a LEV, ULEV, ZEV or ILEV standard specified in subsection (e) of this Section, consistent with the requirements of Section 241.114 of this Subpart; or
 - 3) Redeem credits generated or acquired consistent with the requirements of Subpart C of this Part.

- a) If a motor vehicle which was not certified by the manufacturer as a clean fuel vehicle, but is subsequently converted in accordance with 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part, and such converted motor vehicle meets the requirements of this Section and Section 241.113(e) of this Subpart, it is a clean fuel vehicle.
- b) The owner or operator of the converted clean fuel vehicle must obtain sufficient documentation to verify that the motor vehicle meets the converted vehicle requirements in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.

Section 241.115 Operating Requirements

- a) When a clean fuel vehicle acquired to meet the acquisition requirements of Section 241.113 of this Subpart or to generate credits under Subpart C of this Part is driven in the covered area, it must operate at all times on the clean alternative fuel(s) to which it is certified by USEPA, as set forth in Section 241.113(e) of this Subpart.
- b) Notwithstanding subsection (a) of this Section, owners or operators of flexible-fueled and dual-fueled vehicles shall operate such motor vehicle on the clean alternative fuel(s) to which it is certified by USEPA, as set forth in Section 241.113(e) of this Subpart, and, where applicable, to which the owner or operator earned credits pursuant to Subpart C of this Part, when the motor vehicle is driven in the covered area.
- c) Any clean fuel vehicle driven in the covered area but regulated by another State shall operate at all times on the clean alternative fuel(s) to which it was certified by USEPA.

SUBPART C: CREDITS

Section 241.130 Clean Fuel Fleet Credit Program

- a) Any owner or operator of ten or more fleet vehicles located or primarily operated in the covered area may participate in the clean fuel fleet credit program, provided that the owner or operator requests that the Agency establish a clean fuel fleet credit account and complies with the registration, operating, emission standards, and recordkeeping and reporting requirements of Sections 241.112, 241.113(e), 241.115, and 241.142 of this Part, respectively, and the requirements of this Subpart and, if the vehicle for which credit is being claimed is converted, complies with the requirements of Section 241.114 of this Part.
- b) Any owner or operator of a fleet may earn credits by:

- 1) Acquiring more clean fuel vehicles or fractions of clean fuel vehicles than required in any MY pursuant to Section 241.113 of this Part;
 - 2) Acquiring clean fuel vehicles that meet the ULEV or ZEV standard;
 - 3) Acquiring clean fuel vehicles which belong to a category of motor vehicles that are otherwise exempt under Section 241.111 of this Part; and
 - 4) Acquiring clean fuel vehicles before September 1, 1997, if the requirements of Section 241.112 of this Part have been met.
- c) Credits will be generated, redeemed, or traded after the owner or operator submits the information listed in Sections 241.140(a) and (b) of this Part to the Agency for each clean fuel vehicle involved in the credit transaction, requests that a credit transaction be posted and states the number of credits added to and subtracted from the credit accounts, and the Agency has received and reviewed the submittal. Credit transactions must be authorized by the owner or operator whose account is being reduced. The Agency will review, and add to and subtract from credit accounts, according to the criteria of this Subpart and Appendix B of this Part.
- d) Credits shall be designated by the Agency at the time of issuance as either LDV/LDT credits or HDV credits. LDV/LDT credits may not be exchanged for HDV credits.
- e) Notwithstanding subsection (b) of this Section, if a clean fuel vehicle has ever been used to demonstrate compliance under Subpart B of this Part, or used to generate credits under this Subpart, such clean fuel vehicle may never be used by any other person for the purpose of generating credits under this Subpart.

Section 241.131 Credit Provisions

- a) The value of clean fuel vehicle credits shall be assigned in accordance with the values for the applicable class and weight category as set forth in Tables 1a, 1b, 2a, and 2b contained in Appendix B of this Part.
- b) The number of clean fuel vehicle credits that are needed to satisfy a new covered fleet vehicle acquisition obligation shall be determined in accordance with the values for the applicable class(s) and weight category(s), as set forth in Tables 1c and 2c, contained in Appendix B of this Part.

SUBPART D: RECORDKEEPING AND REPORTING

Section 241.140 Reporting Requirements

By November 1, 1998, and by November 1 every year thereafter, the owner or operator of a covered fleet must submit the following information about its activities during the prior model year to the Agency:

- a) For each motor vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:
 - 1) The make, model, and year of manufacture;
 - 2) The date of vehicle acquisition;
 - 3) The vehicle identification number (VIN);
 - 4) The GVWR, as specified by the manufacturer;
 - 5) If the motor vehicle is being used to earn credits, the LVW for LDTs whose GVWR is less than or equal to 6,000 lbs and the ALVW for LDTs whose GVWR is greater than 6,000 lbs;
 - 6) The license plate number and state registered in; and
 - 7) A statement of whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.
- b) For each clean fuel vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:
 - 1) The low emission standard(s) to which the motor vehicle is certified by USEPA, consistent with Section 241.113(e) of this Part;
 - 2) The clean alternative fuel(s) to which the motor vehicle is certified to operate by the manufacturer in order to meet the federal low emission standard(s) in Section 241.113(e) of this Part;
 - 3) The 8-character alpha numeric bar-coded vehicle emission configuration number; and
 - 4) For motor vehicles converted to clean fuel vehicles pursuant to Section 241.114 of this Part:
 - A) The date the motor vehicle was converted; and
 - B) The name and address of the person(s) or

firm performing the conversion;

- C) A statement that, to the best of the owner's or operator's knowledge, the motor vehicle was converted in accordance with the applicable requirements of 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.
- c) In addition to the information required in subsection (a) and (b) of this Section, the owner or operator must state:
 - 1) The number, to the nearest tenth, of clean fuel vehicles the owner or operator was required to acquire pursuant to Section 241.113 of this Part;
 - 2) How that obligation was met;
 - 3) If any of the clean fuel vehicles in the fleet used for compliance or credits in the last two model years are no longer part of the fleet, the VIN and the date the clean fuel vehicle was transferred or taken out of service; and
 - 4) If the fleet vehicles are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the amount of bulk fuel purchased by type of fuel.
- d) All reports to the Agency must include the owner or operator's fleet registration number, the name of the operation, and the signature of the owner or operator.

Section 241.141 Recordkeeping Requirements

- a) Owners or operators of covered fleets shall retain a copy of the title or lease for each motor vehicle in the fleet.
- b) For each motor vehicle that the owner or operator is claiming is exempt pursuant to Section 241.111(a)(10) of this Part, the owner or operator must retain records showing the roundtrip calculation exempting the motor vehicle under the definition of capable of being centrally fueled, as set forth in Section 241.102 of this Part.
- c) For each motor vehicle in a covered fleet located outside of the covered area that the owner or operator is claiming is not primarily operated in the covered area, the owner or operator must retain records demonstrating that the motor vehicle is not primarily operated in the covered area, as set forth in the definition for primarily operated in the covered area in Section 241.102 of this Part.

- d) For each converted motor vehicle, the covered fleet owner or operator must retain documentation that the motor vehicle meets the applicable certification requirements for converted motor vehicles in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.
- e) For fleets that are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the owner or operator must retain monthly records of the amount and type of bulk fuel purchased.
- f) Fleet owners and operators of non-covered fleets who elect to participate in the credit program, as set forth in Subpart C of this Part, must maintain the following records for each motor vehicle that they are using to generate credits:
 - 1) A copy of the title or lease; and
 - 2) For each converted motor vehicle, documentation that the motor vehicle meets the applicable certification requirements for converted motor vehicles in 40 CFR Part 88, Subpart C, incorporated by reference at Section 241.104 of this Part.
- g) The records required in this Section shall be retained by the owner or operator for at least three years and shall be made available immediately to the Agency upon request. Notwithstanding the above requirement, titles or leases to vehicles no longer under the control of the owner or operator need not be retained.

Section 241.142 Report on Credit Activities

- a) From time to time, the Agency may send a credit reconciliation report to credit account holders showing the balance of credits and any transaction since the last report. The fleet owner or operator shall have 180 days to review and dispute the report. Failure by the fleet owner or operator to notify the Agency of a discrepancy entitles the Agency to presume that the credit reconciliation report is correct.
- b) Fleet owners or operators may request from the Agency in writing credit reconciliation reports for their credit accounts. Such request shall include the name and address of the owner or operator and the fleet registration number.

Section 241. Appendix A Emission Standards for Clean Fuel Vehicles

Table 1a: Low Emission Vehicle (LEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)

LIGHT-DUTY VEHICLE WEIGHT	POLLUTANT:				
	NMOG	CO	NOx	HCHO	PM ¹
ALL LDV, LDT ≤6000 GVWR ≤3750 LVW					
50,000 MILES	0.075	3.4	0.2	0.015	---
100,000 MILES	0.090	4.2	0.3	0.018	0.80
LDT ≤6000 GVWR >3750 LVW ≤5750 LVW					
50,000 MILES	0.100	4.4	0.4	0.018	---
100,000 MILES	0.130	5.5	0.5	0.023	0.08
LDT >6000 GVWR ≤3750 ALVW					
50,000 MILES	0.125	3.4	0.4 ²	0.015	---
100,000 MILES	0.180	5.0	0.6	0.022	0.10
LDT >6000 GVWR >3750 ALVW ≤5750 ALVW					
50,000 MILES	0.160	4.4	0.7 ²	0.018	---
120,000 MILES	0.230	6.4	1.0	0.027	0.10
LDT >6000 GVWR >5750 ALVW ≤8500 ALVW ³					
50,000 MILES	0.195	5.0	1.1 ²	0.022	---
100,000 MILES	0.280	7.3	1.5	0.032	0.12

¹Applicable to diesel vehicles only

²Standards not applicable to diesel vehicles

³Option of certifying heavy-duty engines in vehicles up to 10,000 pounds GVWR using the light-duty truck (LDT) standards

Section 241. Appendix A Emission Standards for Clean Fuel Vehicles

Table 1b: Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)

LIGHT-DUTY VEHICLE WEIGHT	POLLUTANT (G/MI):				
	NMOG	CO	NOx	HCHO	PM ¹
ALL LDV, LDT ≤6000 GVWR ≤3750 LVW 50,000 MILES 100,000 MILES	0.040 0.055	1.7 2.1	0.2 0.3	0.008 0.011	0.08 0.04
LDT ≤6000 GVWR >3750 LVW ≤5750 LVW 50,000 MILES 100,000 MILES	0.050 0.070	2.2 2.8	0.4 0.5	0.009 0.013	0.08 0.04
LDT >6000 GVWR ≤3750 ALVW 50,000 MILES 100,000 MILES	0.075 0.107	1.7 2.5	0.2 0.3 ²	0.008 0.012	--- 0.04
LDT >6000 GVWR >3750 ALVW ≤5750 ALVW 50,000 MILES 120,000 MILES	0.100 0.143	2.2 3.2	0.4 0.5 ²	0.009 0.013	--- 0.05
LDT >6000 GVWR >5750 ALVW ≤8500 ALVW ³ 50,000 MILES 100,000 MILES	0.117 0.167	2.5 3.7	0.6 0.8 ²	0.011 0.016	--- 0.06

¹Applicable to diesel vehicles only

²Standards not applicable to diesel vehicles

³Option of certifying heavy-duty engines in vehicles up to 10,000 pounds GVWR using the light-duty truck (LDT) standards

Section 241. Appendix A Emission Standards for Clean Fuel Vehicles

Table 1c: NMOG Standards for Flexible- and Dual-Fueled Vehicles

	NMOG STANDARD ¹ (G/MI) :	
VEHICLE WEIGHT	50,000 MILE	100,000 MILE
ALL LDV, LDT, ≤6000 GVWR ≤3750 LVW	0.075/0.125	0.09/0.156
LDT ≤6000 GVWR >3750 LVW ≤5750 LVW	0.100/0.160	0.130/0.200
LDT >6000 GVWR ≤3750 ALVW	0.125/0.250	0.180/0.360
LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	0.160/0.320	0.230/0.460
LDT >6000 GVWR >5750 ALVW	0.195/0.390	0.280/0.560

¹The standards are presented for flexible- and dual-fueled clean fuel vehicles when operating on clean alternative fuel and conventional fuel in the format "x/y" where x represents the NMOG standard when the vehicle is operated on a clean alternative fuel and y represents the NMOG standard when the vehicle is operated on a conventional fuel.

Section 241. Appendix A Emission Standards for Clean Fuel Vehicles

Table 1d: Emission Standards for Model Year 1998 and Later Heavy-Duty Vehicles (g/bhp-hr)

VEHICLE TYPE	THC	NOx	NMHC + NOx	CO	PM ¹	OMHCE	HCHO
GASOLINE ≤ 14,000 GVWR	1.1	4.0	---	14.4	---	1.1	---
GASOLINE ≥ 14,000 GVWR	1.9	4.0	---	37.1	---	1.9	---
DIESEL	1.3	4.0	---	15.5	0.10	1.3	---
LEV CERTIFIED FUEL	(²)	(²)	3.8	(²)	(²)	(²)	---
LEV/CERTIFIED CALIF. FUEL	(²)	(²)	3.5	(²)	(²)	(²)	---
ULEV	(²)	(²)	2.5	7.2	0.05	(²)	0.025
ILEV	(²)	(²)	2.5	14.4	0.10	(²)	0.025

¹Standards for particulate matter (PM) apply only to diesel-fueled vehicles.

²HD CFVs must meet conventional vehicle standards for THC, NOx, CO, PM, and OMHCE

Section 241.Appendix B Credit Values

Table 1a: Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR > 3750 LVW ≤ 5750 LVW	LDT >6000 GVWR ≤3750 ALVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >5750 ALVW
LEV	1.00	1.26	0.71	0.91	1.11
ULEV	1.20	1.54	1.00	1.29	1.47
ZEV	1.43	1.83	1.43	1.83	2.23

Table 1b: Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR > 3750 LVW ≤ 5750 LVW	LDT >6000 GVWR ≤3750 ALVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >5750 ALVW
ULEV	0.20	0.29	0.29	0.34	0.45
ZEV	0.43	0.57	0.71	0.91	1.11

Table 1c: Credits Needed in Lieu of Acquiring a Light-Duty LEV

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR > 3750 LVW ≤ 5750 LVW	LDT >6000 GVWR ≤3750 ALVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >5750 ALVW
LEV	1.00	1.26	0.71	0.91	1.11

Section 241.Appendix B Credit Values

Table 2a: Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

VEHICLE TYPE	HDV
LEV	1.00
ULEV	1.87
ZEV	3.53

Table 2b: Credit Generation: Acquiring Heavy-Duty ULEV or ZEV
Clean Fuel Vehicles

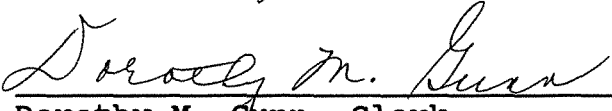
VEHICLE TYPE	HDV
ULEV	0.87
ZEV	2.53

Table 2c: Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

VEHICLE TYPE	HDV
LEV	1.00

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 6th day of April, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board