

ILLINOIS POLLUTION CONTROL BOARD
September 7, 1995

IN THE MATTER OF:)
)
CLEAN FUEL FLEET PROGRAM:) R95-12
PROPOSED 35 ILL. ADM. CODE 241) (Rulemaking-Air)

Adopted Rule. Final Order.

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 (USEPA) for the CFFP.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act). (415 ILCS 5/1 et seq. (1994).) The Board is charged by the Act to "determine, define and implement the environmental control standards applicable in the State of Illinois." (415 ILCS 5/5(b) (1994).) More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions, while the Agency is responsible for carrying out the principal administrative duties. The Agency's duties include administering the regulations that are proposed in this rulemaking.

This proposal was filed pursuant to Section 28.5 of the Act. (415 ILCS 5/28.5 (1994).) That section requires the Board to proceed with CAA rulemaking under set time-frames, and is known as "fast-track" rulemaking. The Board has no discretion to adjust these time frames under any circumstances. Today the Board acts to send this proposal to final notice under the Illinois Administrative Procedure Act (APA). (5 ILCS 100/1005-40 (1994).)

PROCEDURAL HISTORY

On April 6, 1995, the Board sent the proposal to first notice under the APA, without commenting on the merits of the proposal. The proposal was published in the Illinois Register on April 28, 1995, at Volume 19 Issue 17 Ill.Reg. pg. 6101. Hearing was held on May 19, 1995, in Chicago, Illinois. Members of the public attended that hearing, as well as representatives of the Department of Environment of the City of Chicago, Natural Gas Pipeline Company of America, Northern Illinois Gas, and the Chemical Industry Council of Illinois.

On June 2, 1995, the Agency filed a motion to cancel the additional hearings. The Agency's motion was granted by hearing officer order dated June 6, 1995. In issuing the order the hearing officer stated on page 2:

Pursuant to the discretion to cancel the additional hearings set forth in Section 28.5 of the Act given to me by the Board as hearing officer, the second and third hearings originally scheduled for June 16th and June 30th will not be held. It is appropriate to cancel such additional hearings and move forward with this fast-track rulemaking since no one has requested the additional hearings, there has been no indication by the affected entities of an objection to the proposed rule, and the Board has not received any unresolved objection from the USEPA.

The hearing officer order pursuant to Section 28.5 of the Act and the APA closed the public comment period on June 12, 1995.

On July 6, 1995 the Board sent the proposal to second notice under the APA. In addressing several comments filed with the Board after the hearing, the Board made some changes which are discussed herein. On August 21, 1995 the Joint Committee on Administrative Rules (JCAR) filed a notification with the Board that at its August 15, 1995 meeting it voted to issue no objection to the proposed rulemaking. JCAR states that the vote is based on the agreements attached to the certification. The attached agreement contained several nonsubstantive recommended changes which the Board will adopt in the final rule. Those changes have been indicated in the attached order by either "strike out" for deletions and "underline" for new language. No other comments were received by the Board after second notice.

PROPOSAL

Sections 182(c)(4)(A) and 246 of the CAA, require all serious, severe, and extreme ozone NAAs to adopt a CFFP by May 15, 1994. The CFFP requires certain fleet owners or operators who acquire new motor vehicles, beginning model year 1998 and

thereafter, that a specified percentage of these new motor vehicles must be clean fuel fleet vehicles (CFFVs) which meet the federal low emission standards established by USEPA for the CFFP. The proposal has three components to the rule; an applicability/control aspect, a credit program, and recordkeeping and reporting requirements.

APPLICABILITY/CONTROL Sections 241.110-115

These regulations would apply to fleet owners or operators who own, operate, or control at least 10 covered fleet vehicles. A covered fleet vehicle must meet three criteria: 1) the motor vehicle must have less than a 26,000 lbs gross vehicle weight rating (GVWR) and not be exempt¹, 2) the motor vehicle must be centrally fueled 100% of the time or be capable of being centrally fueled, and 3) the motor vehicle must either be located in or be primarily operated in the Chicago ozone NAA.

Owners or operators of a covered fleet, beginning model year 1998, if acquiring new motor vehicles must purchase a percentage of vehicles that meet the federal low emission standard such as a low emission vehicle (LEV), an ultra low emission vehicle (ULEV), or a zero emission vehicle (ZEV).² The model year begins on September 1st each year and ends the following year on August 31st. The owner or operator has three compliance options: 1) purchase or lease a CFFV, 2) convert a conventional motor vehicle to a CFFV, and 3) redeem the applicable credits as discussed in the next section. The requirements of the CFFVs are phased in as follows: 1) in model year 1998 at least 30% of a covered fleet owner's or operator's new covered fleet vehicle light duty vehicle (LDV) or light duty truck acquisitions must be CFFVs, 2) in model year 1999 50% at least of new LDVs/LDTs vehicles must be

¹Section 241.111 exempts certain types of motor vehicles from the CFFP such as motor vehicles held for lease or rental to the general public.

² LEV is defined as any light duty vehicle (LDV) or light duty truck (LDT), or any heavy duty vehicle (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. An ULEV is defined as 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. A ZEV is defined as 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.

CFFVs, and 3) in model year 2000 and thereafter, at least 70% of LDVs/LDTs must be CFFVs. (See Section 241.113) For heavy duty vehicles (HDVs), beginning in model year 1998 and thereafter, 50% of new covered HDV fleet vehicles must be CFFVs. (See Section 241.113.)

CREDIT PROGRAM Section 241.130 and 131

The proposal also establishes a credit program in accordance with the federal requirements. A owner or operator may earn credits in one of the following ways: 1) by acquiring additional CFFVs beyond those needed to satisfy the control requirement percentages, 2) by purchasing more stringent CFFVs such as the ULEV or ZEV, 3) by acquiring CFFVs prior to model year 1998 but after the State's CFFP has been approved by USEPA, and 4) acquiring CFFVs which belong to a category that are otherwise exempt. The credit value that a CFFV is eligible to earn will depend on the weight and type of motor vehicle. (See Section 241.131.)

The proposal establishes the Agency as the bank for the credit program. The Agency will periodically send participants in the program a report showing all transactions for its credit account. Owners and operators have 180 days to notify the Agency of any discrepancies in the report. If none are reported, the Agency may presume that the report is accurate. (See Section 241.142.)

RECORDKEEPING AND REPORTING Section 241.140-142

By November 1, 1998, and by November 1 every year thereafter, the owner or operator of a covered fleet must submit the information, as set forth in Section 241.140, about its activities during the prior model year to the Agency. Section 241.141 contains recordkeeping requirements for owners or operators of covered fleets. Records required in Section 241.141 are to be retained 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.

PUBLIC COMMENTS

The Board received 6 public comments during the course of this rulemaking:³

³ The individual public comments will be referenced as "P.C.# at .".

P.C. #1 Illinois Department of Commerce and Community Affairs
 P.C. #2 Administrative Code Division
 P.C. #3 Browning-Ferris Industries
 P.C. #4 City of Chicago
 P.C. #5 Illinois Environmental Protection Agency
 P.C. #6 Northern Illinois Gas

The Board has considered all public comments, as well as all testimony and exhibits, in making its decisions in this matter. The Board will specifically address several issues and comments.

Public Comments from the Administrative Code Division and Illinois Department of Commerce and Community Affairs were nonsubstantive and will not be addressed in the following discussion. (P.C.#1 and P.C.#2.) The Board has made all changes suggested by the Administrative Code Unit.

Browning-Ferris Industries, P.C.#3

Browning-Ferris Industries (BFI) makes six different comments on the proposal, mainly concerning the credit program. BFI's first comment is that the proposal should require that, commencing with model year 1998, 50% of the new HDVs that are covered by the CFFP should be CFFVs and that this requirement may be met by the purchase of new CFFVs, conversion of conventionally-fueled vehicles, or through purchases of credits pursuant to the credit program. (P.C.#3 at 1.) As noted by the Agency in its public comments on page 4, the proposal addresses this comment in Section 241.113(a) and (f). The proposal currently requires that commencing with model year 1998, 50% of the new HDVs that are covered by the CFFP should be CFFVs and that this requirement may be met by the purchase of new CFFVs, conversion of conventionally-fueled vehicles, or through purchases of credits pursuant to the credit program. Since it is the Board's understanding that the proposed regulation already incorporate's BFI's comment, no further changes are necessary.

BFI also believes that the USEPA definitions of "covered fleet operator", "centrally fueled", and "capable of being centrally fueled" should be incorporated into the proposal. (P.C.#3, at 1.) The Agency responds in its public comments that "...except where noted, that it has adopted definitions consistent with those proposed by USEPA." (P.C.#5 at 4.) In reviewing the proposal and the USEPA definitions, it is apparent that the proposal has adopted the USEPA definitions for "covered fleet operator" and "centrally fueled". The proposal, however, does not adopt the USEPA definition for "capable of being centrally fueled". The Agency has replaced USEPA's suggested calculation for determining if a motor vehicle is capable of being centrally fueled with its own calculation. The Agency states in its Statement of Reasons that "[i]nstead the Agency is proposing a simpler and more straightforward method where the

owner or operator sums all the miles driven by the motor vehicle it is claiming is not capable of being centrally fueled for a three month period then divides this number by the number of round trips the motor vehicle has taken during the same period." (Exhibit #1, Statement of Reasons at 15.) (The definition is set out a pp. 7-8, infra). Furthermore, the Agency states in its comments that the "...federal regulations indicate that it was guidance only and that the State could develop methods that were most suitable to its particular situation." (P.C.#5 at 4.)

This proposal was developed by the Agency through the use of an outside work group which included representatives from the National Association of Fleet Administrators, Illinois Natural Gas Vehicle Coalition, Ethanol Work Group, Sierra Club, American Lung Association, City of Chicago, Illinois Manufacturers' Association, Illinois Petroleum Council, American Automobile Manufacturers' Association, USEPA, Illinois Department of Energy and Natural Resources, and the Office of the Secretary of State. BFI has not presented any information as to why the Agency's definition, which was developed with input from the work group, is not appropriate for the State of Illinois. Since we are not bound to adopt the federal regulations, and BFI's argues no justification for changing the proposal by incorporating the federal definition for "capable of being centrally fueled" no changes will be made.

BFI comments that the proposal should provide owners or operators the opportunity to earn credits for vehicles exceeding the State Implementation Plan (SIP), that heavy duty vehicles above 26,000 lbs GVWR (known as "heavy heavy-duty vehicles" (HHDVs)) should be eligible for earning credits, and the proposal should allow for the trading of credits between stationary and mobile sources. (P.C.#3 at 1-2.) The Agency in its public comment responds that the "...proposal does provide that a clean fuel vehicle that over complies either because it was purchased prior to model year 1998 or meets the ULEV emission standard is eligible to earn credits, see Section 241.130(b)(2) and (4) respectively." (P.C.#5 at 5.) The Agency further states that it does not include the HHDVs in the credit program because the HHDVs are not part of the CFFP and that it "...is looking into developing a broader based credit program for hydrocarbon emissions which may also allow credit trading between mobile and stationary sources." (P.C.#5 at 5.)

The Board agrees with the Agency that the proposal addresses BFI's concern for credits for vehicles exceeding the requirements of the SIP and therefore will not make changes to the proposal based on BFI's comment. The Board also finds no justification in the record to change the proposal as it concerns credit for HHDVs and for the trading between mobile and stationary sources.

BFI additionally comments that the proposal should exempt certain transportation control measures (TCMs) such as high occupancy vehicles (HOVs) restrictions or permit owners or operators to apply alternative fuel vehicles toward any employer trip reduction program or employer commute option (EOC) program. (P.C.#3 at 2.) The Agency states in its comments that there are no TCMs in the Chicago ozone NAA where the proposed regulation would apply and that should a TMC be adopted it should contain an exemption provision consistent with Section 246(h) of the Clean Air Act. (P.C.#5 at 5.) The Board finds no justification to amend the proposal based on BFI's speculation as to a possible TMC for the Chicago NAA.

BFI further comments that the proposal should recognize that USEPA may relax the emission standards for HDVs if it is determined that it is not technically feasible for clean diesel-fueled vehicles to meet the appropriate standards. (P.C.#3 at 2.) The Agency states that it will propose an amendment to the CFFP if the emission standards for HDVs are indeed relaxed to reflect those changes. (P.C.#5 at 5.) The Board again finds no justification to change the proposal to account for the speculation that USEPA may change the emission standards for HDVs some time in the future.

Finally, BFI comments that there should be a specific statement in the proposal which limits the applicability to serious, severe, and extreme ozone nonattainment areas. (P.C.#3 at 2.) The Agency states that the proposal defines the covered area as the Chicago ozone nonattainment area and lists which counties are affected. (P.C.#5 at 5-6.)

The Board agrees with the Agency that the definition of "covered area" in Section 241.102 of the proposal specifically defines the area of applicability of the regulation when read together with the other applicable definitions. Therefore the Board will not amend the proposal by adding a statement to reflect that it applies to serious, severe, and extreme ozone nonattainment areas.

City of Chicago, P.C.#4

The City of Chicago states its general support for the proposal but requests a clarification as to "... obtaining credits for dual and flexible fueled vehicles which may be used during emergency response activities." (P.C.#4 at 2.) The Agency states that the proposal does not provide for partial credit when a vehicle is utilizing a clean fuel for part of its operating time, because of the difficulty of the required recordkeeping for the owner or operator and the necessary Agency oversight. (P.C.#5 at 3-4.)

The Board finds no justification for adding dual and flexible fueled vehicles to the program in this rulemaking. Therefore the Board will not amend the proposal to address this issue.

Northern Illinois Gas, P.C.#6

Northern Illinois Gas (Northern) made several comments both at hearing and in its filed public comments concerning the definition of "capable of being centrally fueled" in Section 241.102. The proposed definition states:

"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.

The comments center on three aspects: 1) the use of the word "can" in the first sentence, 2) the use of the phrase "is under contract" in the first sentence, and 3) the addition of "or a

contracted refueling station" after the word "location" in the second paragraph of the calculation.

At hearing Mr. Lindsay of Northern first raised the concern that "capable" and "can be refueled 100 percent of the time" was not clear. (Tr. at 38-43.) Northern raised the issue again in its public comment and suggested that the word "can" be replaced with "could" to be consistent with the federal regulations. (P.C.#6 at 1.) The Agency in its public comment states that "[t]he difference between 'can' and 'could' is not significant." (P.C.#5 at 1.) The Agency further states that it intended to follow USEPA definitions and recommends the Board amend the proposal by replacing "can" with "could". (P.C.#5 at 1.)

The Board agrees with Northern and the Agency and adopts the recommendation made by the Agency. The Board will change "can" to "could" in the first sentence of the definition in order for it to be consistent with the federal definitions. Additionally the Board believes the amendment will clarify the definition so that "capable" and "could be refueled 100 percent of the time" are consistent.

Northern also argues that the phrase "is under contract" should be changed to "could be under contract" in order to clarify "...that a fleet that has access to a location (not currently under contract) which could provide a fueling contract may be 'capable of being fueled'." (P.C.#6 at 1-2.) The Agency states, in response, that there are two criteria that must be met in order to fit the definition. (P.C.#5 at 2.) The first criteria is that the owner or operator must have access to fuel, and, secondly, the vehicles average roundtrip from wherever it is fueled must be less than 300 miles. (P.C.#5 at 2.) The Agency states further "[t]o delete the first requirement by that (sic) an owner or operator must have access to fuel as recommended might impose an impossible burden on a few fleet owners or operators." (P.C.#5 at 2.) The Board finds no justification in the record which would support the suggested amendment to the proposal.

Concerning the definition of "capable of being centrally fueled", Northern finally suggests adding the phrase "or a contracted refueling station" after the word "location" in the second paragraph of the calculation contained in the definition. (P.C.#6 at 2.) The Agency agrees with Northern and recommends that the Board change the proposal to reflect Northern's comments. (P.C.#5 at 2.) We have done so.

The Board agrees that the calculation and the definition must be consistent and therefore will adopt the Agency recommended changes to the proposal on this issue.

Northern commented on several definitions in the proposal besides the definition of "capable of being centrally fueled". Northern states that it is unclear as to the use of "under contract with the covered fleet owner or operator" in the definition of "centrally fueled". (P.C.#6 at 2.) Northern states that the method of payment should not define "centrally fueled", but rather the actual refueling pattern should be utilized. (P.C.#6 at 2.) The Agency responds that its "...intent is to follow the latest federal guidance and regulations...which indicate that it is the actual refueling pattern that should be examined." (P.C.#5 at 2.)

The Board finds that reading the definition of "capable of being centrally fueled" along with the definition of "centrally fueled" establishes that it is the pattern of refueling and not the payment method that is being examined. Therefore, the Board will make no changes to this definition.

Northern also comments that its understanding of the definition of "date of vehicle acquisition" as it concerns leased vehicle means when the lease commences the owner or operator is given "equitable title" and thus is the "date of vehicle acquisition". (P.C.#6 at 2.) The Agency states, in agreement with Northern, that it interprets the phrase "equitable title" to include leased vehicles. (P.C.# 5 at 2.)

The Board agrees with the Agency's and Northern's interpretation of the proposal and therefore no amendment to the proposal is necessary.

Additionally, Northern comments that the use of "purchaser" in the definition of "new covered fleet vehicles" is inconsistent with the use of "owner or operator" in the definition of "date of vehicle acquisition" and suggests that "purchaser" be replaced with "owner or operator". (P.C.#6 at 3.) The Agency agrees with Northern and proposes amending the proposal by replacing "purchaser" with "owner or operator". (P.C.#5 at 3.) The Agency states that this amendment is necessary to avoid confusion when vehicles are transferred between different divisions of a company. (P.C.#5 at 3.)

The Board agrees with Northern and the Agency and will amend throughout the definition accordingly.

Finally, Northern questions the applicability of the 8 character bar code requirement of Section 241.140 and argues that the inconsistent use of units in the tables of the appendices needs to be corrected. (P.C.#6 at 3.) The Agency states that the bar code is necessary in tracking the compliance of owners or operators and that it believes that USEPA may require the use of bar codes upon conversion of a conventional motor vehicle to a CFFV. (P.C.#5 at 3.) The Agency also states that it agrees with

Northern in that the unit references in the tables of the appendices should be consistent. (P.C.#5 at 3.)

The Board agrees with the Agency and Northern that the table units must be consistent and will adopt the Agency's proposed amendments accordingly. Northern states no justification for its concern over the use of the bar code, therefore the Board will continue to require their use.

Other Revisions

The Agency has suggested a number of other revisions to its original proposal. Some of those revisions are necessary to respond to concerns from the Secretary of State, while others are in response to comments or testimony, or are the result of further negotiations. The suggested revisions are explained in the Agency's public comment (P.C.#5 at 6-7), and we will not repeat those explanations here.

Additionally, the Joint Committee on Administrative Rules made several nonsubstantive changes after the Board went to Second Notice which are reflected in our final notice order.

CONCLUSION

The Board finds that the proposed rules are technically feasible and economically reasonable, and that the rules are necessary to meet the requirements of the Clean Air Act. We find that the record supports proceeding with the proposed rules, as amended, to final notice as amended at second notice. In the interests of indicating which changes to the proposal have been made at final notice, we have chosen to follow the JCAR's suggestion by indicating revisions by highlighting (redlining). Appropriate underlining and strikeouts are included within that highlighting.

ORDER

The Board directs the Clerk to cause the filing of the following proposal for final notice with the Secretary of State Code Unit for publication in the Illinois Register:

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

PART 241
 CLEAN FUEL FLEET PROGRAM

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	Table B:	Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
	Table C:	NMOG Standards for Flexible-Fueled and Dual-Fueled Vehicles
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Section 241. Appendix B:	Credit Values
Table A:	Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required
Table B:	Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles
Table C:	Credits Needed in Lieu of Acquiring a Light-Duty LEV
Table D:	Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required
Table E:	Credit Generation: Acquiring Heavy-Duty ULEV or ZEV Clean Fuel Vehicles
Table F:	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 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 could 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) 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):

For each motor vehicle, sum the miles it is driven for a three month period beginning May 1, 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 or a contracted refueling station and returns to its location or a contracted refueling station.

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 the tables found in 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 vehicle~~s~~ 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 owner or operator, 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 owner or operator 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, ~~S~~state, municipality, political subdivision of a ~~S~~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 central 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
CAA	Clean Air Act as amended in 1990
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];
 - 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];
 - 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's 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's 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 of 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.

Section 241.114 Conversions

- 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 Section 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 and HDV credits may not be exchanged for LDV/LDT 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 Section 241. Appendix B: Tables A, B, C, ~~D~~ E and ~~F~~.
- 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 C and F, 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; and
 - 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 subsections (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's 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 A: 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 100,000 MILES	0.075 0.090	3.4 4.2	0.2 0.3	0.015 0.018	--- 0.80
LDT ≤6000 GVWR >3750 LVW ≤5750 LVW 50,000 MILES 100,000 MILES	0.100 0.130	4.4 5.5	0.4 0.5	0.018 0.023	--- 0.08
LDT >6000 GVWR ≤3750 ALVW 50,000 MILES 100,000 MILES	0.125 0.180	3.4 5.0	0.4 ² 0.6	0.015 0.022	--- 0.10
LDT >6000 GVWR >3750 ALVW ≤5750 ALVW 50,000 MILES 120,000 MILES	0.160 0.230	4.4 6.4	0.7 ² 1.0	0.018 0.027	--- 0.10
LDT >6000 GVWR >5750 ALVW ≤8500 ALVW ³ 50,000 MILES 100,000 MILES	0.195 0.280	5.0 7.3	1.1 ² 1.5	0.022 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 B: Ultra-Low Emission Vehicle (ULEV) 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	0.040	1.7	0.2	0.008	0.08
100,000 MILES	0.055	2.1	0.3	0.011	0.04
LDT ≤6000 GVWR >3750 LVW ≤5750 LVW					
50,000 MILES	0.050	2.2	0.4	0.009	0.08
100,000 MILES	0.070	2.8	0.5	0.013	0.04
LDT >6000 GVWR ≤3750 ALVW					
50,000 MILES	0.075	1.7	0.2	0.008	---
100,000 MILES	0.107	2.5	0.3 ²	0.012	0.04
LDT >6000 GVWR >3750 ALVW ≤5750 ALVW					
50,000 MILES	0.100	2.2	0.4	0.009	---
120,000 MILES	0.143	3.2	0.5 ²	0.013	0.05
LDT >6000 GVWR >5750 ALVW ≤8500 ALVW ³					
50,000 MILES	0.117	2.5	0.6	0.011	---
100,000 MILES	0.167	3.7	0.8 ²	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 C: NMOG Standards for Flexible-Fueled and Dual-Fueled Vehicles (g/mi)

VEHICLE WEIGHT	NMOG STANDARD ¹	
	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-fueled 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 D: 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 A: 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

~~Section 241. Appendix B Credit Values~~

Table B: 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

~~Section 241. Appendix B Credit Values~~

Table C: 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~~~~Section 241. Appendix B Credit Values~~

Table D: 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

~~Section 241. Appendix B Credit Values~~

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

VEHICLE TYPE	HDV
ULEV	0.87
ZEV	2.53

~~Section 241. Appendix B Credit Values~~

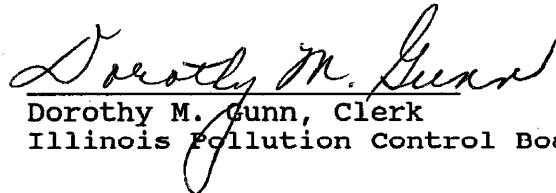
Table F: Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

VEHICLE TYPE	HDV
LEV	1.00

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1994)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

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


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board