

Section 1. Subsection (a) of section 22a-174-36c of the Regulations of Connecticut State Agencies is amended as follows:

(a) **Definitions and abbreviations.** Provided that any term related to the administration of the Low Emission Vehicles III program not defined in this subsection shall be as defined or described in Title 13 of the California Code of Regulations and in Section 22a-174-36b of the Regulations of Connecticut State Agencies, for the purposes of this section:

(1) “Transitional Zero Emission Vehicle” or (“TZEV”) means transitional Zero emission vehicle as defined in California Code of Regulations, Title 13, section 1962.2.

(2) “East Region Pool” means east region pool as defined in California Code of Regulations, Title 13, section 1962.2.

(3) “2017 through 2025 Model Year National Greenhouse Gas Program” means; The national program that applies to new 2021 through 2025 model year passenger cars, light-duty trucks, and medium duty passenger vehicles codified in 40 CFR 86, Subpart S, as last amended on October 25, 2016.

Sec 2. Subsection (e) of section 22a-174-36c of the Regulations of Connecticut State Agencies is amended as follows:

(e) **Emission standards, warranty, recall and miscellaneous provisions.**

Each manufacturer and each new 2015 and subsequent model year passenger car, light-duty truck and medium-duty vehicle shall comply with each applicable standard set forth in Table 36c-1 and incorporated by reference herein:

Table 36c-1 California Code of Regulations (CCR) Title 13 Provisions Incorporated by Reference

Title 13 CCR	Title	Section Amended Date
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Chapter 1 Motor Vehicle Pollution Control Devices

Article 1 General Provisions

Section 1900	Definitions	[12/31/12]7/25/1 <u>6</u>
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**Article 2 Approval of Motor Vehicle Pollution Control Devices
(New Vehicles)**

Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	12/31/12
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light- Duty and Medium-Duty Vehicles	12/31/12

Section 1961	Exhaust Emission Standards and Test Procedures – 2004 through 2019 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	12/31/12
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 through 2016 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	8/7/12
Section 1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	[12/31/12]12/13/18
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	[12/31/12]12/13/18
Section 1962	Zero Emission Vehicle Standards for 2005 through 2017 Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	2/13/10
Section 1962.2	Zero Emission Vehicle Standards for 2018 and subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles	[12/31/12]1/1/16
Section 1962.3	California Vehicle Charging Requirements	8/7/12
Section 1965	Emission Control and Smog Index Labels – 1979 and Subsequent Model Year Vehicles	[8/7/12]10/8/15
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	11/27/99
Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[8/7/12]7/25/16
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	[8/7/12]7/25/16
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	[12/31/12]10/8/15

Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	[8/7/12] <u>10/8/15</u>
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Article 6 Emission Control System Warranty

Section 2035	Purpose, Applicability and Definitions	10/9/07
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Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	[5/15/99] <u>12/5/14</u>
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Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[8/7/12] <u>12/5/14</u>
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Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	8/7/12
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Section 2039	Emission Control System Warranty Statement.	12/26/90
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Section 2040	Vehicle Owner Obligations	12/26/90
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Section 2046	Defective Catalyst	1/16/79
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**Chapter 2 Enforcement of Vehicle Emission Standards
and Enforcement Testing.**

Article 1 Assembly Line Testing.

Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	8/7/12
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Article 2 Enforcement of New and In-use Vehicle Standards

Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
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Section	New Vehicle Recall Provisions.	12/30/83
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Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year.	11/27/99
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Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.

Section 2111	Applicability.	12/8/10
Section 2112	Definitions.	[8/7/12] <u>12/5/14</u>
	Appendix A to Article 2.1.	8/7/12
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95
Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95

Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.

Section 2122	General Provisions.	12/8/10
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95

Section 2124	Availability of Public Hearing.	1/26/95
Section 2125	Ordered Recall Plan.	1/26/95
Section 2126	Approval and Implementation of Recall Plan.	1/26/95
Section 2127	Notification of Owners.	1/26/95
Section 2128	Repair Label.	1/26/95
Section 2129	Proof of Correction Certificate.	1/26/95
Section 2130	Capture Rates and Alternative Measures.	11/27/99
Section 2131	Preliminary Tests.	1/26/95
Section 2132	Communication with Repair Personnel.	1/26/95
Section 2133	Record keeping and Reporting Requirements.	1/26/95
Section 2135	Extension of Time.	1/26/95
Article 2.3 In-Use Vehicle Enforcement Test Procedures.		
Section 2136	General Provisions.	12/8/10
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	[8/7/12] <u>12/5/14</u>
Section	Notification of In-Use Results.	[8/7/12] <u>12/5/14</u>

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Article 2.4 Procedures for Reporting Failure of Emission-Related Components.

Section 2141	General Provisions.	12/8/10
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	12/8/10
Section 2145	Field Information Report.	8/7/12
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	[8/7/12] <u>12/5/14</u>
Section 2148	Evaluation of Need for Recall.	[8/7/12] <u>11/27/99</u>
Section 2149	Notification of Subsequent Action.	2/23/90

Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.

Section 2235	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks Requirements.	8/8/12
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Sec 3. Subsection (l) of section 22a-174-36c of the Regulations of Connecticut State Agencies is amended as follows:

(l) Greenhouse gas emission standards and related requirements.

(1) Each manufacturer subject to the greenhouse gas provisions of this section shall demonstrate compliance with such provisions as required by, and in accordance with, California Code of Regulations, Title 13, section 1961.3.

(2) For all ~~[2009]~~ 2017 and subsequent model year vehicles, manufacturers may demonstrate compliance based on the total number of passenger cars, light-duty trucks, and medium-duty passenger vehicles certified to the California exhaust emission standards in California Code of Regulations, Title 13, section ~~[1961.1]~~1961.3, which are produced and delivered for sale in

Connecticut, California, and all other states that have adopted California's greenhouse gas emission standards pursuant to section 177 of the Clean Air Act. A manufacturer that fails to comply under the provisions of this subdivision shall be subject to applicable penalties and shall be required to comply with the greenhouse gas standards pursuant to subdivision (1) of this subsection.

(3) National Compliance Option.

~~[For the 2012 through 2016 model years, a manufacturer may elect to demonstrate compliance with the California exhaust emissions standards by demonstrating compliance with the national greenhouse gas program pursuant to California Code of Regulations, Title 13, section 1961.1. A manufacturer with outstanding greenhouse gas debits at the end of the 2011 model year shall submit a plan to the Department describing how the debits will be offset utilizing credits earned under the national greenhouse gas program.]~~

(A) For the 2017 through 2025 model years, a manufacturer may elect to demonstrate compliance with the California exhaust emissions standards by demonstrating compliance with the "2017 through 2025 Model Year National Greenhouse Gas Program" pursuant to California Code of Regulations, Title 13, section 1961.3.

(B) The compliance option of subparagraph (A) of this subdivision shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium duty passenger vehicles if the "2017 through 2025 Model Year National Greenhouse Gas Program" is amended subsequent to October 25, 2016.

(4) Greenhouse gas reporting requirements. For the purpose of determining compliance with the greenhouse gas requirements of this section, each manufacturer shall report the average greenhouse gas emissions of its fleet delivered for sale in the State of Connecticut, using the same format used to report such information to CARB. If the voluntary compliance option described in ~~[subsection]~~ subdivision (2) of this section is used, a manufacturer shall report separate data for the multi-state pool and the Connecticut portion of such pool. Such report shall be filed with the commissioner by May 1st of the calendar year succeeding the end of the model year.

Statement of Purpose:

Purpose of the proposal: The Department of Energy and Environmental Protection (DEEP) is proposing to amend 22a-164-36c (section 36c) of the Regulations of Connecticut State Agencies (RCSA) passenger vehicle greenhouse gas (GHG) provisions to comply with the Clean Air Act section 177 "identity" provisions which require Connecticut to remain identical to the California program DEEP is required to adopt and maintain pursuant to Conn. Gen. Stat. section 22a-174g. On August 10, 2018 California initiated amendments to their regulation to maintain the existing standards in light of federal backsliding.

Summary of the main provisions of the proposal: The proposal amends the section 36c GHG provisions, which require vehicle manufacturers to meet the fleet GHG requirements codified in Title 13 section 1961.3 of the California Code of Regulations. In 2009, California added a "deem to comply" provision to their passenger vehicle GHG requirements which allows vehicle manufacturers to comply with the California standards if the manufacturers show compliance for the same model year with 2017 through 2025 Model Year National GHG Program (National

Program) as part of an agreement to harmonize the California and federal Environmental Protection Agency (EPA) standards. In compliance with the Clean Air Act section 177 requirements DEEP adopted an identical "deem to comply" option. California is amending their "deem to comply" provision to disallow use of the federal compliance path if the National Program is altered via Final Rule published in the *Federal Register* subsequent to October 25, 2016.

Legal effects of the proposal on existing regulations and other laws: The proposed revision to section 36c maintains the GHG standards originally adopted by California in 2012 and by DEEP in 2013 while also complying with the identity requirements of section 177 of the federal Clean Air Act. The proposal is not expected to have an impact on any other previously approved air quality State Implementation Plans.

Additionally, any future changes to the National Program standard would not be incorporated as a "deem to comply" compliance option. On August 7, 2010 EPA proposed to amend the National Program to cap federal standards at 2020 levels through 2026.