



DEP Proposes New Low-Emission Vehicle Rules

Who is affected by this initiative?

Any vehicle manufacturer that delivers cars and light trucks for sale in New Jersey on and after Jan. 1, 2009, will be affected by this rule.

Why is DEP proposing the new low-emission vehicle rule?

In January 2004, the New Jersey Legislature enacted N.J.S.A. 26:2C-8.15 et seq., requiring the DEP to promulgate rules adopting the current California Low Emission Vehicle (LEV) program to reduce levels of greenhouse gases emitted by motor vehicles in New Jersey.

Vehicle emissions produce ozone, which continues to be New Jersey's most pervasive air quality problem. Chronic exposure to ozone is associated with a decline in lung function, inflammation, and development of asthma in children and adults. Vehicle emissions also contain hazardous air pollutants and other toxic substances that can cause serious health effects such as cancer, birth defects, nervous system problems and death. Vehicle emissions not only affect the air we breathe. Global climate changes attributed to vehicle emissions could adversely affect New Jersey's water supply by increasing temperatures and evaporation and decreasing precipitation. Continued sea level rises from global warming could lead to contamination of drinking water, loss of beaches, damage to coastal ecosystems and flood damage to infrastructure.

The LEV program will reduce vehicle emissions, helping to reduce these adverse impacts on ecological systems and human health.

What will change?

Beginning on Jan. 1, 2009, every car and light-duty truck delivered for sale in New Jersey from Model Year 2009 and thereafter must be "CARB-certified." This means that all such vehicles must have received an Executive Order from the California Air Resources Board (CARB) certifying that the vehicles are in compliance with the California Low Emission Vehicle rules in order to be legally sold in New Jersey.

Also, as of Jan. 1, 2009, 11 percent of all vehicles offered for sale in New Jersey by large- and intermediate-volume manufacturers must be zero-emission vehicles (ZEVs). ZEVs include true electric-powered vehicles as well as "advanced technology partial zero emission vehicles," which are vehicles that utilize alternative fuels such as natural gas or have some electric drive train components such as hybrid electric vehicles (ATPZEVs), and conventional gasoline vehicles that meet certain emissions, durability and warranty requirements (PZEVs). The percent of ZEVs offered for sale in New Jersey must increase to 16 percent by model year 2017.

COMPLIANCE ADVISORY

To help manufacturers meet the ZEV sales requirement and to gain emission reductions earlier than required under the rules, the DEP is proposing a ZEV Credit Bank similar to California's. All large- and intermediate-volume manufacturers must open an account in the ZEV Credit Bank no later than Jan. 1, 2009 to qualify. However, vehicle manufacturers can also earn ZEV credits by delivering qualifying vehicles for sale in New Jersey before the Jan. 1, 2009 LEV program implementation date.

Manufacturers could also earn credits for past sales of qualifying ZEVs, PZEVs and ATPZEVs that it sold in New Jersey from 1999 through the 2005 model year. The manufacturer could then apply the credits toward the ZEV sales requirement. The first submission of ZEV credits for voluntary early sales of applicable ZEVs, PZEVs and ATPZEVs is due by May 1, 2006. After that time, manufacturers earning credits for early sales of applicable vehicles must provide the DEP with a Notice of Credit Generation no later than Sept. 1 of the calendar year following the close of the model year. Beginning with vehicles delivered for sale in calendar year 2005, large and intermediate volume vehicle manufacturers will be assessed a \$1-per-vehicle fee to fund administration of the ZEV Credit Bank. The first annual fee would be due to DEP by May 1, 2006.

In addition to earning credits for early sales of complying vehicles, the DEP has proposed an alternative rule provision that would establish a one-time voluntary proportional crediting process. This would allow manufacturers to get credit in New Jersey for a specified proportion of credits already entered into their California ZEV Credit Bank, up until the end of 2008. This alternative, if adopted, would ease manufacturers' transition into the New Jersey ZEV sales requirement. Public comment is specifically encouraged on this alternative provision at the Sept. 15 public hearing or in writing by Sept. 30, 2005.

Manufacturers must also meet an overall fleet average emissions requirement for all of the vehicles they offer for sale in New Jersey during a given model year. This fleet average emissions requirement becomes progressively more stringent each model year. Mandatory reporting requirements for delivery of vehicles for sale in New Jersey would also be required for Model Year 2009 and later.

How can I participate?

The rule proposal appeared in the New Jersey Register on Aug. 1, 2005. The public comment period for the rule is from Aug. 1 through Sept. 30, 2005. The public hearing for this proposal will be held Sept. 15 at 10 a.m. in the Trenton War Memorial Building.

Whom should I contact with questions?

Division of Air Quality

(609) 292-6710

Where can I get more information?

Visit the following Web sites for additional information:

Notice of Rule Proposal <http://www.nj.gov/dep/rules/notices/080105b.htm>

Draft Rule proposal: <http://www.nj.gov/dep/rules/proposals/080105b.pdf>

Directions to the War Memorial: http://www.thewarmemorial.com/directions_page.html

Please note this advisory is intended to be a summary explanation of a DEP initiative. It does not include all potentially applicable requirements. If you have any questions about complying with this initiative, please contact the Air Quality Program number listed above.