

SUBPART 218-3

FLEET AVERAGE

Sec.	
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Historical Note

Subpart (§§ 218-3.1 — 218-3.6) filed Oct. 23, 1990; repealed, new (§ 218-3.1) filed April 28, 1992 eff. 30 days after filing.

§ 218-3.1 Fleet average.

The fleet average non-methane organic gas exhaust emission values from passenger cars and light-duty trucks produced and delivered for sale in New York by a manufacturer each model-year must not exceed the numbers set forth in California Code of Regulations, Title 13, sections 1960.1(g)(2) and 1961(b)(1), (see Table 1, section 200.9 of this Title) except as provided in section 1960.1(g)(2) and 1961(b)(1) (see Table 1, section 200.9 of this Title).

(a) A manufacturer that certifies vehicles equipped with direct ozone reduction technologies will be eligible to receive NMOG credits that can be applied to the NMOG exhaust emissions when determining compliance with the standard. In order to receive credit, the manufacturer must subject an Executive Order from CARB, obtained in accordance with the provisions in California Code of Regulations, title 13, section 1960.1(g)(1) (see Table 1, section 200.9 of this Title), which determines the value of such credits for vehicles produced and delivered for sale in New York, when the manufacturer submits its annual year-end NMOG fleet average report.

(b) Credits and debits may be accrued and utilized based upon each manufacturer's sales of vehicles subject to this part in New York, pursuant to the provisions set forth in California Code of Regulations, title 13, sections 1960.1(g)(2) and 1961(b) (see Table 1, section 200.9 of this Title).

Historical Note

Sec. filed Oct. 23, 1990; repealed, new filed April 28, 1992; amd. filed Nov. 28, 2000 eff. 30 days after filing.

§ 218-3.2 Fleet average reporting and projection.

(a) Commencing with the 1996 model-year, each manufacturer must report, to the department, using the same format used to report this information to CARB, the average emissions of its fleet delivered for sale in New York. Reports must be submitted to the department by March 1st of the calendar year succeeding the end of the model-year.

(b) Commencing with the 1996 model-year, each manufacturer must provide, to the department, a projection of the fleet average emissions for vehicles to be delivered for sale in New York State during the upcoming model-year. Projections must be submitted to the department prior to the commencement of each model-year.

Historical Note

Sec. filed Oct. 23, 1990; repealed, filed April 28, 1992; new filed Nov. 28, 2000 eff. 30 days after filing.

§ 218-3.3 Fleet average enforcement.

(a) If the report issued by a manufacturer under section 218-3.2(a) of this Subpart demonstrates noncompliance with the fleet average contained in this Subpart, during a model-year, the manufacturer must within 60 days file a fleet average enforcement report with the department documenting such noncompliance. Fleet average enforcement reports must identify all vehicle models delivered for sale in New York and their corresponding certification standards and the

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percentage of each model delivered for sale in New York and California in relation to total fleet sales in the respective state.

(b) Failure to submit an enforcement report may result in penalties as permitted under article 71 of the Environmental Conservation Law in addition to any other penalties permitted under article 71 for failure to comply with the fleet average.

Historical Note

Sec. filed Oct. 23, 1990; repealed, filed April 28, 1992; new filed Nov. 28, 2000 eff. 30 days after filing.

~~**§ 218-3.4-218-3.6**~~

~~**Historical Note**~~

~~Secs. filed Oct. 23, 1990; repealed, filed April 28, 1992 eff. 30 days after filing.~~