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NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-A 3600 NATIONAL LOW EMISSION VEHICLE (National LEV) PROGRAM

Statutory Authority: RSA 125-C:4,I(a)

PART Env-A 3601 PURPOSE

Env-A 3601.01 Purpose. The purpose of this chapter is to adopt rules in order to implement the National LEV motor vehicle program which is designed to reduce smog and other pollution from new motor vehicles.

Source. #7059, eff 7-22-99

PART Env-A 3602 DEFINITIONS

Env-A 3602.01 "Covered manufacturer" means an original equipment manufacturer (OEM), as defined at 40 CFR 85.1502(a)(10) that meets the condition specified under 40 CFR 86.1705(a).

Source. #7059, eff 7-22-99

Env-A 3602.02 "Light duty truck" means any motor vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

Source. #7059, eff 7-22-99

Env-A 3602.03 "Medium-duty vehicle" means any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less, any 1992 and subsequent model-year heavy-duty low-emission vehicle or ultra-low-emission, or zero-emission vehicle having a manufacturer's gross vehicle weight rating of 14,000 pounds or less, or any 1995 and subsequent-model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 14,000 pounds or less.

Source. #7059, eff 7-22-99

Env-A 3602.04 "Model year" means the motor vehicle manufacturer's annual production period, as determined by the administrator, which includes January 1 of such calendar year or, if the manufacturer has no annual production period, the calendar year.

Source. #7059, eff 7-22-99

Env-A 3602.05 "National Low Emission Vehicle Program" (National LEV) means a voluntary nationwide program that meets the requirements set-forth in 40 CFR 86, Subpart R, and is designed to reduce smog and other pollution from new motor vehicles.

Source. #7059, eff 7-22-99

Env-A 3602.06 "Passenger car" means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.

Source. #7059, eff 7-22-99

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Env-A 3602.07 "Zero-emission vehicle (ZEV)" means any vehicle that is certified to produce zero emissions of any criteria pollutants under any and all possible operational modes and conditions. Incorporation of a fuel fired heater shall not preclude a vehicle from being certified as a ZEV provided that the fuel fired heater cannot be operated at ambient temperatures above 40 degrees Fahrenheit and the heater is demonstrated to have zero evaporative emissions under any and all possible operational modes and conditions.

Source. #7059, eff 7-22-99

### PART Env-A 3603 PARTICIPATION IN NATIONAL LEV

Env-A 3603.01 Manufacturer's Requirements. For the duration of the time period specified in Env-A 3603.02(a) and (b) below, covered manufacturers may comply with National LEV or equally stringent mandatory federal standards in lieu of compliance with any program, including any mandates for sales of zero-emission vehicles, adopted by the commissioner pursuant to RSA 125-C and 177 of the Act applicable to passenger cars, light-duty trucks up through 6,000 pounds gross vehicle weight rating (GVWR), and/or medium-duty vehicles from 6,001 to 14,000 pounds GVWR if designed to operate on gasoline.

Source. #7059, eff 7-22-99

#### Env-A 3603.02 Duration of Participation.

(a) The State of New Hampshire, as set forth by the provisions of this part, shall participate in the National LEV program from model year 1999, inclusive, until model year 2006, except as provided in 40 CFR 86.1707 as effective January 7, 1998, or (b) below.

(b) If, by December 15, 2000, the U.S. EPA does not take final action to adopt standards as least as stringent as the National LEV standards set forth in 40 CFR 86, Subpart R that apply to new vehicles in model year 2004, 2005, or 2006, then participation in National LEV shall only extend until model year 2004, except as provided in 40 CFR 86.1707.

Source. #7059, eff 7-22-99

Env-A 3603.03 Manufacturer's Opt Out Provision. If a covered manufacturer, as defined at 40 CFR 86.1702, opts out of the National LEV program pursuant to 40 CFR 86.1707, the transition from National LEV requirements to any rules adopted by the commissioner pursuant to RSA 125-C and §177 of the Act, applicable to passenger cars, light-duty trucks up through 6,000 pounds GVWR, and/or medium-duty vehicles from 6,001 to 14,000 pounds GVWR if designed to operate on gasoline, shall proceed in accordance with the National LEV regulations set-forth at 40 CFR 86.1707.

Source. #7059, eff 7-22-99

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