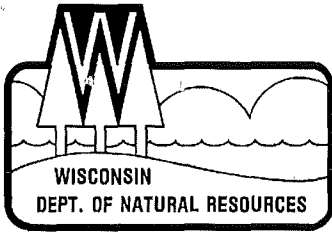


CR 94-98



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

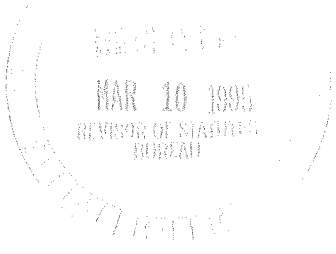
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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. AM-17-94 was duly approved and adopted by this Department on October 27, 1994. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 27th day of February, 1995.



George E. Meyer
George E. Meyer, Secretary

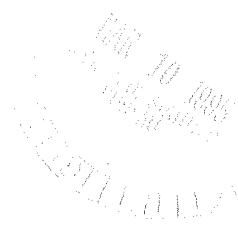
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ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
CREATING RULES



.....
:IN THE MATTER of creating ch. NR 487 of the Wisconsin :
:Administrative Code pertaining to a Clean Fuel Fleet :
:Program to reduce volatile organic compound and oxides of: AM-17-94
:nitrogen emissions from fleet vehicles. :
:.....

Analysis Prepared by the Wisconsin Department of Natural Resources

Authorizing statutes: ss. 144.31(1)(a), 144.3714(3), 227.11(2)(a) and 227.14(1m)(b) Stats.

Statutes interpreted: ss. 144.31(1)(f) and 144.3714, Stats. The State Implementation Plan developed under s. 144.31(1)(f), Stats., is revised.

Section 144.3714, Stats., authorizes DNR to administer a Clean Fuel Fleet program. This new program is required by the 1990 federal Clean Air Act Amendments [42 USC 7511a(c)(4) and 7581 to 7590] for the severe ozone non-attainment counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha. Proposed ch. NR 487 interprets and implements s. 144.3714 Stats.

The proposed rule is based on the federal regulations (40 CFR Part 88) promulgated under the Clean Fuel Fleet program requirements of the Clean Air Act.

The proposed rule does the following:

1. Defines new terms and concepts relevant to the program.
2. Establishes general requirements and exceptions to identify the fleets covered under the program.
3. Establishes a process for fleet registration including labeling of clean fuel fleet vehicles and exemptions for these clean fuel fleet vehicles from any time-based (temporal) Transportation Control Measures (TCMs).
4. Establishes a requirement for submittal of an annual compliance plan. The plan must demonstrate that the minimum percentage of covered fleet vehicles will be acquired which meet clean vehicle emission standards.
5. Establishes a marketable Clean Fuel Fleet Credit Program with emission reduction criteria for specific pollutants.
6. Establishes program enforcement methods and appropriate recordkeeping requirements.
7. Establishes requirements for clean fuel providers.

SECTION 1. Chapter NR 487 is created to read:

CHAPTER NR 487
CLEAN FUEL FLEET PROGRAM

NR 487.01 APPLICABILITY; PURPOSE. (1) APPLICABILITY. This chapter applies to all fleet operators with 10 or more covered fleet vehicles which can be centrally fueled and which operate in the counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha.

(2) PURPOSE. The purpose of this chapter is to establish, pursuant to s. 144.3714, Stats., and 42 USC 7511a(c)(4) and 7581 to 7590, and in accord with 40 CFR Part 88, the requirements for a clean fuel fleet program to reduce the emissions of volatile organic compounds and oxides of nitrogen from fleet vehicles.

NR 487.02 DEFINITIONS. The definitions contained in ch. NR 400 apply to the terms used in this chapter. In addition, the following definitions apply to the terms used in this chapter:

(1) "Adjusted loaded vehicle weight" or "ALVW" means the average of a vehicle's curb weight plus its gross vehicle weight rating.

(2) "Can be centrally fueled" means the sum of those vehicles that are centrally fueled and those vehicles that are capable of being centrally fueled.

(3) "Capable of being centrally fueled" means a fleet, or that part of a fleet, consisting of vehicles that could be fueled 100% of the time at a location that is owned, operated or controlled by the covered fleet operator, or is under contract with the covered fleet operator. The fact that one or more vehicles in a fleet are not capable of being centrally fueled does not exempt an entire fleet from the program.

(4) "Centrally fueled" means a fleet, or that part of a fleet, consisting of vehicles that are fueled 100% of the time at a location that is owned, operated or controlled by the covered fleet operator, or is under contract with the covered fleet operator. Any vehicle that is under normal operations garaged at a personal residence at night but that is, in fact, centrally fueled 100% of the time shall be considered to be centrally fueled for the purpose of this definition. The fact that one or more vehicles in a

fleet is not centrally fueled does not exempt an entire fleet from the program. The fact that a vehicle is not centrally fueled does not mean that it could not be centrally fueled in accordance with the definition of "capable of being centrally fueled".

(5) "Clean alternative fuel" means any fuel, including methanol, ethanol, blends of at least 85% alcohol with another fuel, natural gas, liquefied petroleum gas, reformulated gasoline, diesel or hydrogen, or the power source, including electricity, used in a clean fuel vehicle, that complies with the standards and requirements applicable under 42 USC 7581 to 7590 when the fuel or power source is used in a vehicle.

(6) "Clean fuel fleet vehicle" means a fleet vehicle below 26,000 pounds GVWR which has been certified by the manufacturer or converter to meet, for any model year, a set of emission standards that classifies it as a low-emission vehicle (LEV), ultra low-emission vehicle (ULEV), zero emission vehicle (ZEV), or inherently low-emission vehicle (ILEV).

(7) "Combination heavy-duty vehicle" means a vehicle with a gross vehicle weight rating (GVWR) greater than 8,500 pounds (3,900 kilograms) which is comprised of a truck-tractor and one or more pieces of trailered equipment. The truck-tractor is built on one chassis which encompasses the engine, passenger compartment and a means of coupling to a cargo carrying trailer. The truck-tractor itself is not designed to carry cargo.

(8) "Contract fueling" means having a refueling contract agreement or arrangement with a service station or other facility, or receiving special refueling benefits from such a service station or facility, or both. Commercial fleet credit cards are considered to be a refueling agreement.

(9) "Control" means:

(a) When it is used as a function of ownership rights to join all entities under common management, any one or a combination of the following:

1. A third person or firm has equity ownership of 51% or more in each of 2 or more firms.

2. Two or more firms have common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies.

3. One firm leases, operates, supervises or in 51% or greater part owns equipment or facilities or both used by one or more other persons or firms. In this case, the combined vehicles of both firms, or multiple firms in the case of 3 or more, shall be used to determine the number of vehicles owned by the entities which are subject to the fleet program.

(b) When it is used to refer to the management of vehicles, a person has the authority to make decisions about vehicle use regarding who can operate a particular vehicle and the purpose for which the vehicle can be operated.

(c) When it is used to refer to the management of employees, a person has the authority to direct the activities of the individual or employe in a precise situation, such as at the workplace.

(10) "Converted vehicle" means a vehicle that has been retrofitted to use one of the clean alternative fuels or a combination of fuels and meets the emission standards for that class of LEVs.

(11) "Converter" means any person who manufactures or installs a conversion system to convert a motor vehicle to a clean fuel fleet vehicle which meets the emission standards for that clean fuel fleet vehicle category.

(12) "Covered area" means Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha counties.

(13) "Covered fleet" means 10 or more covered fleet vehicles which are owned or operated by a single person. In determining the number of vehicles owned or operated by a single person for the purposes of this chapter, all covered fleet vehicles owned or operated, leased or otherwise controlled by the person, by any person who controls that person, by any person controlled by that person, and by any person under common control with that person shall be treated as owned by that single person.

(14) "Covered fleet operator" means a person who operates a fleet of at least 10 covered fleet vehicles in a covered area.

(15) "Covered fleet vehicle" means a motor vehicle below 26,000 pounds GVWR which is in a vehicle class for which standards are applicable under this chapter and is a part of a covered fleet which can be centrally fueled.

(16) "Curb weight" means the actual manufacturer's estimated weight of the vehicle in operational status with all standard equipment plus the weight of fuel at normal tank capacity and the weight of optional equipment.

(17) "Dealer" means any person who is engaged in the sale, lease or distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser or lessee.

(18) "Dealer demonstration vehicle" means a vehicle that is operated by a motor vehicle 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 customers to drive the vehicle for pre-purchase or pre-lease evaluation.

(19) "Dual fuel vehicle" means any motor vehicle that is capable of operating on 2 fuel sources, but not on a mixture of the fuels.

(20) "Emergency vehicle" means any 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.

(21) "Fleet operator" means a person who operates a fleet of at least 10 fleet vehicles in a covered area.

(22) "Fuel provider" means any entity that produces, sells, transports, imports or stores motor fuel, or any entity that generates, transmits, imports or sells electricity.

(23) "Garaged at a personal residence under normal circumstances" means a 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 or business location.

(24) "Gross vehicle weight rating" or "GVWR" means the weight specified by the vehicle manufacturer as the maximum allowable loaded weight of a single vehicle.

(25) "Heavy-duty vehicle" or "HDV" means a motor vehicle with a GVWR greater than 8,500 pounds, and identified as being in one of 3 subclasses:

(a) "Light HDV" or "LHDV" means a motor vehicle with a GVWR of 8,501 to 19,500 pounds.

(b) "Medium HDV" or "MHDV" means a motor vehicle with a GVWR of 19,501 to 26,000 pounds.

(c) "Heavy HDV" or "HHDV" means a motor vehicle with a GVWR of 26,001 pounds or greater.

(26) "Hybrid electric vehicle" means an electric powered vehicle with a nonelectric primary or supplemental fuel source.

(27) "Inherently low-emission vehicle" or "ILEV" means any light-duty vehicle or light-duty truck conforming to the applicable ILEV standard, or any heavy-duty vehicle with an engine conforming to the applicable ILEV standard. No dual fuel vehicles may be considered ILEVs unless they are certified to the applicable standards on all fuel types for which they are designed to operate.

(28) "Law enforcement vehicle" means any vehicle which is primarily operated by a civilian or military police officer, sheriff or sheriff's deputy, or by personnel of the federal bureau of investigation, the federal drug enforcement administration, or other agencies of the federal government, or by state highway patrols, 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. For federal law enforcement vehicles, the definition contained in 40 CFR 88.302-94 shall apply.

(29) "LDT" means a light-duty truck.

(30) "LDV" means a light-duty vehicle.

(31) "Light-duty" means a motor vehicle with a GVWR of 8,500 pounds or less.

(32) "Location" means any building, structure, facility or installation which is owned or operated by a person, or is under the control of a person, is located on one or more contiguous properties, and contains or could contain a fueling pump or pumps for the use of the vehicles owned or controlled by that person.

(33) "Low-emission vehicle" or "LEV" means any light-duty vehicle or light-duty truck conforming to the applicable LEV standards, or any heavy-duty vehicle with an engine conforming to the applicable LEV standards.

(34) "Loaded vehicle weight" or "LVW" means a vehicle's curb weight (in pounds) plus 300 pounds.

(35) "Model year" or "MY" as it applies to the clean fuel fleet acquisition means from September 1 through August 31. A model year is numbered according to the calendar year of the January that falls within the model year.

(36) "Motor vehicle" means any self-propelled vehicle having 4 or more wheels on the ground, designed for transporting persons or property on a street or highway.

(37) "Motor vehicles held for lease or rental to the general public" means a 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.

(38) "Motor vehicles used for motor vehicle manufacturer product evaluations and tests" means vehicles that are 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 evaluation facility, solely for the purpose of evaluating the performance of the vehicles for engineering, research and development, or quality control reasons.

(39) "New covered fleet vehicle" means a vehicle that has not been previously controlled by the current purchaser, regardless of the model year. New covered fleet vehicle does not include any of the following:

(a) Vehicles that were manufactured before the start of the fleet program, for the vehicle's weight class.

(b) Vehicles transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations.

(c) Vehicles transferred as part of an employe transfer.

(d) Vehicles transferred for seasonal requirements, i.e., for a period of less than 120 days.

Note: "New covered fleet vehicle" as defined here is distinct from "new vehicle" as that term applies to manufacturer or converter certification, including the certification of vehicles to the clean fuel fleet vehicle standards.

(40) "NMHC" means nonmethane hydrocarbons.

(41) "NMOG" means nonmethane organic gas which is the sum of nonoxygenated and oxygenated hydrocarbons contained in a gas sample, excluding methane but including, at a minimum, all oxygenated organic gases containing 5 or fewer carbon atoms, i.e., aldehydes, ketones, alcohols and ethers, and all known alkanes, alkenes, alkynes and aromatics containing 12 or fewer carbon atoms.

(42) "Operational range" means the distance that a vehicle is able to travel round trip on a single fueling.

(43) "Owned or operated, leased or otherwise controlled by a single person" means either the person holds the beneficial title to the vehicle, or the person uses the vehicle for transportation purposes pursuant to a contract or similar arrangement, the term of the contract or similar arrangement is for a period of 120 days or more, and the person has control over the vehicle pursuant to the definition of control in sub. (9).

(44) "Partially-covered fleet" means a vehicle fleet in a covered area which contains both covered fleet vehicles and non-covered fleet vehicles. Non-covered fleet vehicles are vehicles which are exempt from covered fleet acquisition requirements.

(45) "Person" includes an individual, corporation, company, cooperative, operator, partnership, association, state, municipality or political subdivision of the state, and any agency, department or

instrumentality of the United States and any officer, agent or employe thereof.

(46) "Single-unit heavy-duty vehicle" means a motor vehicle with a GVWR greater than 8,500 pounds (3,900 kilograms) built on one chassis which encompasses the engine, passenger compartment, and cargo carrying function, and not coupled to trailered equipment. All buses, whether articulated or not, are considered single-unit vehicles.

(47) "Transportation control measure" or "TCM" means any measure that is one of the types listed in 42 USC 7408, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.

(48) "Ultra low-emission vehicle" or "ULEV" means any LDV or LDT conforming to the applicable ULEV standard, or any HDV with an engine conforming to the applicable ULEV standard.

(49) "VIN" means the manufacturer's vehicle identification number.

(50) "Zero emission vehicle" or "ZEV" means any LDV or LDT conforming to the applicable ZEV standard, or any HDV conforming to the applicable ZEV standard.

NR 487.03 GENERAL REQUIREMENTS. (1) **GENERAL REQUIREMENTS.** Each covered fleet operator shall include in the fleet's annual new vehicle acquisitions, the following percentage of vehicles which meet the clean fuel fleet vehicle exhaust emission standards of this chapter:

(a) 30% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or otherwise newly acquired in model year 1998.

(b) 50% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year 1999.

(c) 70% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year 2000 and every model year thereafter.

(2) **COMPLIANCE OPTIONS.** The acquisition percentage requirements of sub. (1) may be met in any of the following ways:

(a) By purchasing new vehicles which meet the clean fuel fleet vehicle LEV, ULEV, ZEV or ILEV standards shown in Tables 1 and 2.

(b) By converting conventional vehicles to clean fuel fleet vehicles which meet the applicable standards shown in Tables 1 and 2.

(c) By redeeming acquisition credits.

(3) **DUAL FUEL AND HYBRID ELECTRIC VEHICLES.** For a dual fuel or hybrid electric vehicle to be considered a clean fuel fleet vehicle, the vehicle shall operate in the covered area using the fuel or power source on which it was certified by the manufacturer to meet the LEV, ULEV or ZEV emission standards shown in Tables 1 and 2.

NR 487.04 EXEMPTIONS. The following fleet vehicles shall be exempt from the clean fuel fleet program and not considered when calculating the covered fleet acquisition requirements of s. NR 487.03:

(1) Motor vehicles which under normal operations are garaged at a personal residence and which are not centrally fueled 100% of the time.

(2) Motor vehicles held for lease or rental to the general public.

(3) Motor vehicles held for sale by motor vehicle dealers, including demonstration vehicles.

(4) Motor vehicles used for motor vehicle manufacturer product evaluations or tests.

(5) Law enforcement vehicles and other emergency vehicles.

(6) Nonroad vehicles, including farm and construction vehicles which are not motor vehicles.

(7) Motor vehicles which the U.S. secretary of defense has determined should be exempt from the program for national security reasons.

NR 487.05 REGISTRATION. The following procedure shall be used by covered fleet operators for registering in the clean fuel fleet program under this chapter:

(1) **REGISTRATION FORMS.** Fleet operators operating in the covered area shall register with the department within 60 days of receipt of registration forms from the department. Fleet operators not receiving registration forms shall register with the department within 60 days after publication of the registration requirements in newspapers having a general circulation in the covered area counties. Registration shall be done on department registration forms or in a department approved electronic format. The information required for registration shall include all of the following:

(a) The name and address of the fleet operator.

(b) The names, addresses, telephone numbers and, if applicable, facsimile numbers of the persons designated to be responsible for the fleet.

(c) The address of each location at which 10 or more nonexempt vehicles are based; the number of covered fleet vehicles at each location that operate in the covered area; and the number of clean fuel fleet vehicles at each location that operate in the covered area.

(d) The number of fleet vehicles that operate in the covered area by make, model year, weight type, emission certification standard and fuel; for each fleet vehicle, the VIN, exempt status and any other information as specified in the registration form.

(e) The number of covered dual fuel or hybrid vehicles in the covered fleet, the VIN and annual total mileage of each vehicle in each fuel type, the annual number of miles each vehicle operates in the covered area in each fuel type and the annual fuel usage of each vehicle by fuel type.

(f) Any other information which may be necessary for implementation of the requirements of this chapter.

(2) **ADDITIONAL TRIP RECORD INFORMATION.** Fleet operators who claim that some of their nonexempt fleet vehicles operate outside the covered area shall

submit, with their registrations, trip records for those vehicles with origination and destination points.

(3) **TRIP PROFILE CALCULATIONS.** (a) Fleet operators who claim that some of their nonexempt fleet vehicles operating in the covered area are not capable of being centrally fueled shall also include, with their registrations, trip profile calculations for those vehicles to determine the number of vehicles that are capable of being centrally fueled. The trip profile calculations shall be based on the mileage information related to the trips of those vehicles, using the method in 40 CFR Part 88 (58 FR 64679) or any other method approved by the department and EPA.

(b) Fleet operators who have submitted trip profile calculations for some of their nonexempt vehicles under par. (a) shall file new trip profile calculations for those vehicles with the department every 3 years, or when the fleet size increases or decreases by 20% or more, whichever occurs earlier.

(4) **ANNUAL UPDATE.** The covered fleet operator shall submit to the department by February 28 of each year an annual update of the fleet registration information listing the additions and deletions in the fleet and the vehicle mileages and fuel usage by the covered dual fuel or hybrid electric vehicles.

(5) **SUBSEQUENTLY COVERED FLEETS.** The operator of a fleet which becomes subject to this chapter on or after September 1, 1997 shall register with the department within 60 days of the fleet qualifying as a covered fleet.

NR 487.06 CLEAN FUEL FLEET ANNUAL COMPLIANCE PLAN. (1) **ANNUAL COMPLIANCE PLAN SUBMITTAL.** (a) The covered fleet operator shall complete and submit an annual compliance plan to the department according to the schedule in s. NR 487.07 and using forms provided by the department to demonstrate how the operator is complying with the requirements of this chapter.

(b) Covered fleet operators with separate fleet locations within the covered area may combine their annual compliance plan submittals for their separate locations.

(2) **COMPONENTS OF ANNUAL COMPLIANCE PLAN.** The annual compliance plans submitted to the department under this chapter shall include all of the following information:

(a) A letter to the department signed by the chief executive officer or the highest ranking official at the location, certifying the accuracy of the information in the compliance plan and making a commitment to implement the clean fuel fleet program within the compliance plan.

(b) The name and address of the fleet location or locations and the names and addresses of the personnel who will be responsible for compliance plan development and implementation.

(c) The total number of covered vehicles in the fleet, by vehicle type and weight.

(d) The number of covered vehicles acquired and the number of clean fuel fleet vehicles acquired by vehicle type, weight and fuel type, since the last annual compliance plan submittal.

(e) The number of acquisition credits purchased, traded, sold and redeemed during the prior year.

(f) The number of anticipated covered vehicle acquisitions for the coming year, by vehicle type and weight.

(g) The number of anticipated clean fuel fleet vehicle acquisitions for the coming year, by vehicle type, weight and fuel type.

(h) The number of acquisition credits anticipated to be purchased, traded, sold and redeemed for the coming year.

(3) **RESUBMITTAL UPON DISAPPROVAL OR CONDITIONAL APPROVAL.** If a submitted annual compliance plan is conditionally approved or disapproved by the department under s. NR 487.08(3), (4) or (5), the covered fleet operator shall prepare and submit a revised annual compliance plan within 60 days.

NR 487.07 ANNUAL COMPLIANCE PLAN SUBMITTAL DEADLINE. (1) **FLEET OPERATORS COVERED ON OR BEFORE SEPTEMBER 1, 1996.** Except as provided in sub. (2), a fleet operator that is a covered fleet operator on or before September

1, 1996 shall submit an initial compliance plan to the department no later than September 1, 1996 or within 120 days of formal notification by the department that compliance plans are due, whichever comes first. Subsequent annual compliance plans shall be submitted by the anniversary date of the initial submittal.

(2) **FLEET OPERATORS COVERED AFTER SEPTEMBER 1, 1996.** Fleet operators who become covered fleet operators after September 1, 1996 shall submit their initial annual compliance plan to the department within 180 days of becoming covered fleet operators. Subsequent annual compliance plans shall be submitted by the anniversary date of the initial submittal.

NR 487.08 ANNUAL COMPLIANCE PLAN REVIEW, APPROVAL AND DISAPPROVAL PROCESS. (1) **ANNUAL COMPLIANCE PLAN REVIEW.** The department shall review each compliance plan submitted under s. NR 487.06. The department shall notify the covered fleet operator within 120 days of the submittal of the department's decision to approve the plan as submitted, or to conditionally approve the plan or to disapprove the plan.

(2) **CRITERIA FOR ANNUAL COMPLIANCE PLAN APPROVAL.** The department's criteria for granting approval or conditional approval of the covered fleet operator's annual compliance plan shall include all of the following:

(a) The annual compliance plan is submitted on forms prescribed by the department.

(b) The information on the forms is complete and legible.

(c) The information and data on the forms are accurate.

(d) The annual compliance plan includes sufficient and appropriate information to ensure that the covered fleet operator's new vehicle acquisitions include the number of clean fuel fleet vehicles needed to comply with the requirements under s. NR 487.03.

(e) The plan contains any other information necessary to demonstrate compliance with the requirements of this chapter.

(3) ANNUAL COMPLIANCE APPROVAL OR CONDITIONAL APPROVAL. If the compliance plan meets the criteria of sub. (2), the department shall approve the plan as submitted. If the department determines that modifications to the plan are necessary, the department may conditionally approve the plan, provided the covered fleet operator modifies the plan within 60 days according to the recommendations made by the department.

(4) ANNUAL COMPLIANCE PLAN DISAPPROVAL. If a covered fleet operator submits an annual compliance plan which fails to meet the criteria of sub. (2), the department may disapprove it and require the submittal of another annual compliance plan within 60 days of the department's disapproval notification. The department shall provide the reasons for all disapprovals in writing to the covered fleet operator. If the resubmitted annual compliance plan fails to meet the criteria of sub. (2), the department may impose a plan which satisfies the criteria of sub. (2).

(5) ANNUAL COMPLIANCE PLAN MODIFICATIONS. Covered fleet operators shall notify the department concerning any significant modifications to the department approved annual compliance plan. The department shall determine whether the modifications affect the approval status of the covered fleet operator's annual compliance plan and shall provide a written response within 60 days approving or disapproving of the modifications.

NR 487.09 CLEAN FUEL FLEET ACQUISITION CREDIT PROGRAM. (1) ELIGIBILITY.

Each covered fleet operator shall be eligible to generate, hold and trade acquisition credits which represent compliance beyond the program minimum. Acquisition credits shall be generated if the minimum compliance requirements of this chapter are exceeded in any of the following ways:

(a) The covered fleet operator acquires more clean fuel fleet vehicles than required in any one year.

(b) The covered fleet operator acquires vehicles which meet stricter emission standards than those required.

(c) The covered fleet operator acquires clean fuel fleet vehicles in exempt categories which are part of a covered fleet.

(d) The covered fleet operator acquires clean fuel fleet vehicles in the period after November 15, 1990 but before the beginning of the 1998 MY.

(2) DETERMINATION, ISSUANCE AND REDEMPTION OF ACQUISITION CREDITS.

Acquisition credits available shall be determined by the department from information submitted by covered fleet operators. The acquisition credits shall be issued and redeemed by the department upon the request of a covered fleet operator.

(3) **USE OF ACQUISITION CREDITS.** Acquisition credits may be held for use at a later time. Covered fleet operators may use the credits to show compliance with the acquisition requirements within the same vehicle weight class by submitting them for redemption to the department or may trade or sell the credits to another covered fleet operator in the covered area.

(4) **ACQUISITION CREDIT TRADING CALCULATIONS.** Calculations regarding acquisition credit trading shall be based on the low emission vehicle standards as shown in Tables 1 and 2. Credit trading shall be based on the combined NMOG+NO_x reduction in the emissions and shall be tracked to the hundredth's place.

(a) LDV and LDT acquisition credit values. Acquisition credit values for LDVs and LDTs shall be appropriately weighted to reflect the level of emission reductions achieved by the vehicles and normalized to the vehicle equivalent reduction required by LDVs certified to the LEV standards as listed in Tables 3, 4 and 5.

(b) HDV subclass trading. Acquisition credit trading between subclasses of HDVs shall be within the subclass or from a heavier subclass to a lighter subclass without proration on a one-to-one basis. To ensure proper subclass trading, credits for HDVs shall be designated by each HDV subclass as either heavy, medium or light HDV credits as listed in Tables 6, 7 and 8.

(5) **ACQUISITION CREDIT INFORMATION.** Covered fleet operators selling or trading acquisition credits or using them for compliance shall maintain

information on and document all credits and credit transactions, including sale, trade and redemption. The information with all supporting documents shall be made available, upon request, to the department for inspection and audit.

NR 487.10 TRANSPORTATION CONTROL MEASURE EXEMPTIONS FOR CLEAN FUEL FLEET VEHICLES. (1) **ELIGIBILITY.**

(a) All clean fuel fleet vehicles registered under s. NR 487.05 shall be equally exempt from time-of-day, day-of-week and other similar temporal-based transportation control measures (TCMs), established wholly or partially for air quality reasons in the covered area.

(b) Exempt vehicles in partially covered fleets that are generating acquisition credits for covered fleet vehicles as specified in s. NR 487.09(1)(c) shall be exempt from temporal-based TCMs.

(c) Following EPA approval of this chapter as part of Wisconsin's ozone SIP, but before the beginning of the 1998 MY, covered clean fuel fleet vehicles shall be exempt from temporal-based TCMs.

(2) **EXEMPTION LIMITATION.** (a) The TCM exemptions may not be traded or transferred to another vehicle within or outside the covered fleet and may not be effective outside the covered area.

(b) The TCM exemptions shall be effective as long as the clean fuel fleet vehicle remains in compliance with the applicable emission standards in Table 1 or 2 and other program requirements.

(3) **TCM EXEMPTIONS FOR ILEVs.** Clean fuel fleet vehicles which are ILEVs shall be eligible for nontemporal-based TCM exemptions, including the exemption from restrictions on high occupancy vehicle (HOV) lanes, but are not eligible for bus-only HOV lanes or for any exemption which would create a clear and direct safety hazard.

NR 487.11 LABELING OF CLEAN FUEL FLEET VEHICLES. Covered fleet operators shall label the clean fuel fleet vehicles except ILEVs using a label design developed by the department, identifying each vehicle by its type of

emission standard certification, LEV, ULEV or ZEV, and fuel type. Any subsequent federal rule established for consistent labeling of alternative fuel vehicles will be incorporated into the department's labeling requirements. ILEV label design shall be consistent with the requirements specified in EPA's clean fuel fleet regulations in 40 CFR 88.312-93.

NR 487.12 REQUIREMENT FOR FUEL PROVIDERS. Where technically and economically feasible, fuel providers shall make clean alternative fuel available to covered fleet operators at locations at which covered fleet vehicles are centrally fueled.

NR 487.13 RECORDKEEPING AND MONITORING. Covered fleet operators shall retain copies of their compliance plan forms for a period of not less than 3 years. Covered fleet operators shall also maintain records of information relevant to the development and implementation of the approved compliance plans. The department may inspect, verify and audit covered fleet operators' compliance plan records and monitor activities related to the compliance records.

NR 487.14 ENFORCEMENT PROCEDURES AND PENALTIES. Covered fleet operators shall be subject to department enforcement procedures and penalties in accordance with ss. 144.423 and 144.426, Stats., and ch. NR 494 if they fail to comply with the requirements of this chapter.

TABLE 1
Emission Standards for Light-duty Vehicles
(grams/mile)

	LDV, LDT ≤ 6000 lb. GVWR, ≤ 3750 lb. LVW	LDT ≤ 6000 lb. GVWR, > 3750 lb. LVW ≤ 5750 lb. LVW	LDT > 6000 lb. GVWR, ≤ 3750 lb. ALVW	LDT > 6000 lb. GVWR, > 3750 lb. ALVW ≤ 5750 lb. ALVW	LDT > 6000 lb. GVWR, > 5750 lb. ALVW
Tier 1: [*]					
NMHC ¹	0.25	0.32	0.25	0.32	0.39
CO	3.4	4.4	3.4	4.4	5.0
NO _x	0.4	0.7	0.4	0.7	1.1
LEV / ILEV:					
NMOG	0.075	0.1	0.125	0.16	0.195
CO	3.4	4.4	3.4	4.4	5.0
NO _x - LEV	0.2	0.4	0.4	0.7	1.1
NO _x - ILEV	0.2	0.4	0.2	0.4	0.6
HCHO ²	0.015	0.018	0.015	0.018	0.022
PM ³	-	-	-	-	-
ULEV:					
NMOG	0.04	0.05	0.075	0.1	0.117
CO	1.7	2.2	1.7	2.2	2.5
NO _x	0.2	0.4	0.2	0.4	0.6
HCHO	0.008	0.009	0.008	0.009	0.011
PM	0.08	0.08	-	-	-
ZEV:					
NMOG	0.0	0.0	0.0	0.0	0.0
CO	0.0	0.0	0.0	0.0	0.0
NO _x	0.0	0.0	0.0	0.0	0.0

^{*} Federal Light-duty vehicle tailpipe emission standards for MY 1994 and later.

¹ For the purposes of acquisition credit calculation, NMHC is assumed to be equal to NMOG.

² HCHO is formaldehyde

³ Standards for PM (particulate matter) apply only to diesel fuel vehicles

TABLE 2
Emission Standards for Heavy-duty Vehicles
(grams/brake horsepower-hour)

	HDV > 8,500 lb. GVWR
LEV:	
NMHC + NO _x	3.8
CO	15.5
HCHO	-
PM ³	0.10
ULEV / ILEV:	
NMHC + NO _x	2.5
CO - ULEV	7.2
CO - ILEV	14.4
HCHO - ULEV	0.025
HCHO - ILEV	0.050
PM - ULEV	0.05
PM - ILEV	0.10
ZEV:	
NMHC + NO _x	0.0
CO	0.0

³ Standards for PM (particulate matter) apply only to diesel fuel vehicles

TABLE 3
Acquisition Credit Generation -
Vehicle Equivalent for LDVs and LDTs
With Purchase of More Clean Fuel Fleet Vehicles than Required by
the Mandate

NMOG + NO _x	LDV, LDT ≤ 6000 lb. GVWR, ≤ 3750 lb. LVW	LDT ≤ 6000 lb. GVWR, > 3750 lb. LVW ≤ 5750 lb. LVW	LDT > 6000 lb. GVWR, ≤ 3750 lb. ALVW	LDT > 6000 lb. GVWR, > 3750 lb. ALVW ≤ 5750 lb. ALVW	LDT > 6000 lb. GVWR, > 5750 lb. ALVW
LEV	1.00	1.39	0.33	0.43	0.52
ULEV	1.09	1.52	1.00	1.39	2.06
ZEV	1.73	2.72	1.73	2.72	3.97

TABLE 4
Acquisition Credit Generation -
Vehicle Equivalent for LDVs and LDTs
With Purchase of a ULEV or ZEV to Meet the Mandate

NMOG + NO _x	LDV, LDT ≤ 6000 lb. GVWR, ≤ 3750 lb. LVW	LDT ≤ 6000 lb. GVWR, > 3750 lb. LVW ≤ 5750 lb. LVW	LDT > 6000 lb. GVWR, ≤ 3750 lb. ALVW	LDT > 6000 lb. GVWR, > 3750 lb. ALVW ≤ 5750 lb. ALVW	LDT > 6000 lb. GVWR, > 5750 lb. ALVW
LEV	0.00	0.00	0.00	0.00	0.00
ULEV	0.09	0.13	0.67	0.96	1.54
ZEV	0.73	1.34	1.40	2.29	3.45

TABLE 5
Vehicle Equivalent for LDVs and LDTs
Credit Needed in lieu of Purchasing a LEV to meet the Mandate

NMOG + NO _x	LDV, LDT ≤ 6000 lb. GVWR, ≤ 3750 lb. LVW	LDT ≤ 6000 lb. GVWR, > 3750 lb. LVW ≤ 5750 lb. LVW	LDT > 6000 lb. GVWR, ≤ 3750 lb. ALVW	LDT > 6000 lb. GVWR, > 3750 lb. ALVW ≤ 5750 lb. ALVW	LDT > 6000 lb. GVWR, > 5750 lb. ALVW
LEV	1.00	1.39	0.33	0.43	0.52

TABLE 6
**Acquisition Credit Generation - Vehicle Equivalent for HDVs
 With Purchase of More Clean Fuel Fleet Vehicles than Required by
 the Mandate**

NMOG + NO _x	LHDV	MHDV	HHDV
LEV	1.00	1.00	1.00
ULEV	1.87	1.87	1.87
ZEV	3.53	3.53	3.53

TABLE 7
**Acquisition Credit Generation - Vehicle Equivalent for HDVs
 With Purchase of a ULEV or a ZEV to Meet the Mandate**

NMOG + NO _x	LHDV	MHDV
LEV	0.00	0.00
ULEV	0.87	0.87
ZEV	2.53	2.53

TABLE 8
**Vehicle Equivalent for HDV
 Credit Needed in Lieu of Purchasing a LEV to Meet the Mandate**

NMOG + NO _x	LHDV	MHDV
LEV	1.00	1.00

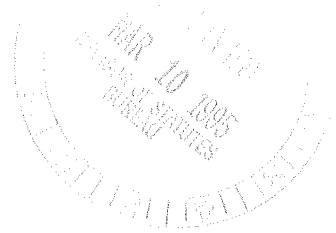
The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 1994.

The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin February 27, 1995.

STATE OF WISCONSIN
 DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
 George E. Meyer, Secretary



(SEAL)