

DRAFT PROPOSED RULEMAKING

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES**

CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS

**Subchapter E. PENNSYLVANIA HEAVY-DUTY DIESEL EMISSIONS CONTROL
PROGRAM**

GENERAL PROVISIONS

§ 126.501. [Purpose.

(a) This subchapter establishes a heavy-duty diesel emissions control program under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) designed primarily to achieve emission reductions of the precursors of ozone, particulate matter, air toxics and other air pollutants from new heavy-duty diesel engines and vehicles.

(b) This subchapter adopts and incorporates by reference certain provisions of the California Exhaust Emission Standards and Test Procedures for Heavy-Duty Diesel Engines and Vehicles.

(c) This subchapter also exempts certain new heavy-duty diesel engines and vehicles from this new emissions control program.] {Reserved}.

§ 126.502. [General requirements.

(a) The Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements apply to new heavy-duty diesel engines and vehicles with a GVWR of greater than 14,000 pounds that are sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired or received in this Commonwealth starting with the model year beginning after May 11, 2004, and each model year thereafter.

(b) The California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Heavy-Duty Engines and Vehicles, Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 are adopted and incorporated by reference to the extent that they pertain to the requirements for heavy-duty diesel engines and vehicles with a GVWR of greater than 14,000 pounds.

(c) The California Enforcement of Vehicle Emission Standards and Surveillance Testing, Title 13 CCR, Division 3, Chapter 2, Article 1.5, § 2065, are adopted and incorporated by reference.] {Reserved}.

§ 126.503. [Emission requirements.

(a) Starting with the model year beginning after May 11, 2004, a person may not sell, import, deliver, purchase, lease, rent, acquire or receive a new heavy-duty diesel engine or vehicle, subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements, in this Commonwealth that has not received a CARB Executive Order for all applicable requirements of Title 13 CCR, adopted and incorporated by reference.

(b) Starting with the model year beginning after May 11, 2004, a manufacturer may elect to include its heavy-duty diesel engines or vehicles delivered for sale in this Commonwealth in the emissions averaging, banking and trading programs for heavy-duty diesel engines or vehicles as provided under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, adopted and incorporated by reference.

(c) Starting with the model year beginning after May 11, 2004, a manufacturer may elect to certify any of its heavy-duty diesel engines or vehicles delivered for sale in this Commonwealth to the optional emission standards as provided under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, adopted and incorporated by reference.

(d) New heavy-duty diesel engines and vehicles subject to this subchapter shall possess a valid emissions control label that meets the requirements of Title 13 CCR, Division 3, Chapter 1, § 1965, adopted and incorporated by reference.] {Reserved}.

§ 126.504. [Exemptions.

The following new heavy duty diesel engines and vehicles are exempt from the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter:

- (1) Emergency vehicles.**
- (2) A heavy-duty diesel vehicle transferred by a dealer to another dealer.**
- (3) A heavy-duty diesel vehicle transferred for use exclusively off-highway.**
- (4) A heavy-duty diesel vehicle granted a National security or testing exemption under section 203(b)(1) of the Clean Air Act (42 U.S.C.A. § 7522(b)(1)).**
- (5) A heavy-duty diesel vehicle defined as a military tactical vehicle or engine under Title 13 CCR, Division 3, Chapter 1, Article 1, § 1905, adopted and incorporated by reference.**
- (6) A heavy-duty diesel vehicle sold after May 11, 2004, if the vehicle was registered in this Commonwealth before May 11, 2004.**
- (7) A heavy-duty diesel engine or vehicle for the model years 2005 and 2006 manufactured by an ultra-small volume manufacturer as defined under Title 13**

CCR, Division 3, Chapter 1, Article 2, § 1976(f)(2), adopted and incorporated by reference.

- (8) For model years 2005 and 2006, an urban bus as defined under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.2(b)(4), adopted and incorporated by reference.
- (9) A heavy-duty diesel engine or vehicle that, following a technology review, CARB determines is inappropriate to require compliance with the emission standards and other requirements under Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 for a particular model year.] {Reserved}.

APPLICABLE HEAVY-DUTY ENGINE AND VEHICLE TESTING

§ 126.511. [New engine and vehicle certification testing.

(a) Prior to being offered for sale or lease in this Commonwealth, new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter shall be certified as meeting the heavy-duty diesel engine and vehicle requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 as determined by Title 13 CCR, Division 3, Chapter 2, Article 2, §§ 2101—2110, adopted and incorporated by reference.

(b) For purposes of complying with subsection (a), new vehicle certification testing determinations and findings made by CARB apply.] {Reserved}.

§ 126.512. [New engine and vehicle compliance testing.

(a) Prior to being offered for sale or lease in this Commonwealth, new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter shall be certified as meeting the heavy-duty diesel engine and vehicle requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8 as determined by Title 13 CCR, Division 3, Chapter 2, Article 2, §§ 2101—2110, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), new engine and vehicle compliance testing determinations and findings made by CARB apply.] {Reserved}.

§ 126.513. [Assembly line testing.

(a) Each manufacturer of new heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emission Control Program requirements of this subchapter, certified by CARB and sold or leased in this Commonwealth, shall conduct assembly line testing in accordance with Title 13 CCR, Division 3, Chapter 2, Article 1, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), assembly line testing determinations and findings made by CARB apply.] {Reserved}.

§ 126.514. [In-use engine and vehicle enforcement testing.

(a) For the purposes of detection and repair of engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements which fail to meet the emission requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8, the Department may, after consultation with CARB, conduct in-use vehicle enforcement testing in accordance with the protocol and testing procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.3, §§ 2136—2140, adopted and incorporated by reference.

(b) For purposes of compliance with subsection (a), in-use engine and vehicle enforcement testing determinations and findings made by CARB apply.] {Reserved}.

§ 126.515. [In-use surveillance testing.

(a) For the purposes of testing and monitoring, the overall effectiveness of the Pennsylvania Heavy-Duty Diesel Emissions Control Program in controlling emissions, the Department may conduct in-use surveillance testing after consultation with CARB, in accordance with Title 13 CCR, Division 3, Chapter 2, Article 3, §§ 2150—2153, adopted and incorporated by reference.

(b) For purposes of program planning, in-use surveillance testing determinations and findings made by CARB apply.] {Reserved}.

ENGINE AND VEHICLE MANUFACTURERS' OBLIGATIONS

§ 126.521. [Warranty and recall.

(a) A manufacturer of new heavy-duty diesel engines or vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program requirements of this subchapter which are sold, leased, or offered for sale or lease in this Commonwealth shall warrant to the owner that each engine or vehicle shall comply over its period of warranty coverage with the requirements of Title 13 CCR, Division 3, Chapter 1, Article 6, §§ 2036, 2039—2041 and 2046, adopted and incorporated by reference.

(b) Each manufacturer of new heavy-duty diesel engines or vehicles shall submit to the Department failure of emission-related components reports, as defined in Title 13 CCR, Division 3, Chapter 2, Article 2.4, § 2144, adopted and incorporated by reference, for engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program in compliance with the procedures in Title 13 CCR, Division 3, Chapter 2, Article 2.4, §§ 2141—2149, adopted and incorporated by reference.

(c) For heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emissions Control Program, a voluntary or influenced emission-related recall

campaign initiated by any heavy-duty diesel engine or vehicle manufacturer under Title 13 CCR, Division 3, Chapter 2, Article 2.1, §§ 2111—2121, adopted and incorporated by reference, shall extend to all new heavy-duty diesel engines or vehicles sold, leased or offered for sale or lease in this Commonwealth.

(d) For heavy-duty diesel engines and vehicles subject to the Pennsylvania Heavy-Duty Diesel Emission Control Program, an in-use vehicle ordered recall under Title 13 CCR, Division 3, Chapter 2, Article 2.2, §§ 2122—2135, adopted and incorporated by reference, shall extend to all new heavy-duty diesel engines or vehicles sold, leased or offered for sale or lease in this Commonwealth.] {Reserved}.

§ 126.522. [Reporting requirements.

(a) For the purposes of determining compliance with the Pennsylvania Heavy-Duty Diesel Emissions Control Program, commencing with the model year beginning after May 11, 2004, each manufacturer shall submit annually to the Department, within 60 days of the end of each model year, a report documenting the total deliveries for sale of engines and vehicles for each engine family over that model year in this Commonwealth.

(b) For the purposes of determining compliance with the Pennsylvania Heavy-Duty Diesel Emissions Control Program, each heavy-duty diesel engine and vehicle manufacturer shall submit annually to the Department, by March 1 of the calendar year following the close of the completed calendar year, a report of its heavy-duty diesel engines and vehicles delivered for sale in this Commonwealth that were included in the emissions averaging, banking and trading programs for heavy-duty diesel engines and vehicles within the provisions of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1956.8.] {Reserved}.

MOTOR VEHICLE DEALER RESPONSIBILITIES

§ 126.531. [Responsibilities of heavy-duty diesel highway vehicle dealers.

(a) A dealer may not sell, offer for sale or lease, or deliver a new heavy-duty diesel engine or vehicle subject to this subchapter without a valid emissions control label which meets the requirements of Title 13 CCR, Division 3, Chapter 1, Article 2, § 1965, adopted and incorporated by reference.

(b) A dealer may not sell, offer for sale or lease, or deliver a new heavy-duty diesel engine or vehicle subject to this subchapter unless the engine or vehicle conforms to the standards and requirements under Title 13 CCR, Division 3, Chapter 2, Article 3, § 2151, adopted and incorporated by reference.

(c) A dealer who imports, sells, delivers, leases or rents an engine or vehicle subject to this subchapter shall retain records concerning the transaction for at least 3 years following the transaction.] {Reserved}.