

Chapter NR 487

CLEAN FUEL FLEET PROGRAM

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Note: Corrections made under s. 13.93 c2md cbd 7., Stats., Register, January, 1997, No. 493.

NR 487.01 Applicability; purpose. c1d 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.

c2d PURPOSE. The purpose of this chapter is to establish, pursuant to s. 285.35, Stats., and 42 USC 7511a ccd c4d 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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

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:

c1d XAdjusted loaded vehicle weightY or XALVWY means the average of a vehicle[s] curb weight plus its gross vehicle weight rating.

c2d XCan be centrally fueledY means the sum of those vehicles that are centrally fueled and those vehicles that are capable of being centrally fueled.

c3d XCapable of being centrally fueledY 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.

c4d XCentrally fueledY 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 Xcapable of being centrally fueledY.

c5d XClean alternative fuelY 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.

c6d XClean fuel fleet vehicleY means a fleet vehicle below 26,000 pounds GVWR which has been certified by the manufac-

turer or converter to meet, for any model year, a set of emission standards that classifies it as a low- emission vehicle cLEVd, ultra low-emission vehicle cULEVd, zero emission vehicle cZEVd, or inherently low-emission vehicle cILEVd.

c7d XCombination heavy-duty vehicleY means a vehicle with a gross vehicle weight rating cGVWRd greater than 8,500 pounds c3,900 kilogramsd 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.

c8d XContract fuelingY 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.

c9d XControlY means:

cad 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.

cbd 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.

ccd 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.

c10d XConverted vehicleY 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.

c11d XConverterY 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.

c12d XCovered areaY means Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha counties.

c13d XCovered fleetY means 10 or more covered fleet vehicles which are owned or operated by a single person. In deter-

mining 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.

c14d XCovered fleet operatorY means a person who operates a fleet of at least 10 covered fleet vehicles in a covered area.

c15d XCovered fleet vehicleY 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.

c16d XCurb weightY 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.

c17d XDealerY 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.

c18d XDealer demonstration vehicleY 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.

c19d XDual fuel vehicleY means any motor vehicle that is capable of operating on 2 fuel sources, but not on a mixture of the fuels.

c20d XEmergency vehicleY 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.

c21d XFleet operatorY means a person who operates a fleet of at least 10 fleet vehicles in a covered area.

c22d XFuel providerY means any entity that produces, sells, transports, imports or stores motor fuel, or any entity that generates, transmits, imports or sells electricity.

c23d XGaraged at a personal residence under normal circumstancesY 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.

c24d XGross vehicle weight ratingY or XGVWRY means the weight specified by the vehicle manufacturer as the maximum allowable loaded weight of a single vehicle.

c25d XHeavy-duty vehicleY or XHDVY means a motor vehicle with a GVWR greater than 8,500 pounds, and identified as being in one of 3 subclasses:

cad XLight HDVY or XLHDVY means a motor vehicle with a GVWR of 8,501 to 19,500 pounds.

cbd XMedium HDVY or XMHDVY means a motor vehicle with a GVWR of 19,501 to 26,000 pounds.

ccd XHeavy HDVY or XHHDVY means a motor vehicle with a GVWR of 26,001 pounds or greater.

c26d XHybrid electric vehicleY means an electric powered vehicle with a nonelectric primary or supplemental fuel source.

c27d XInherently low-emission vehicleY or XILEVY 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 ap-

plicable standards on all fuel types for which they are designed to operate.

c28d XLaw enforcement vehicleY 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.

c29d XLDTY means a light-duty truck.

c30d XLDVY means a light-duty vehicle.

c31d XLight-dutyY means a motor vehicle with a GVWR of 8,500 pounds or less.

c32d XLocationY 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.

c33d XLow-emission vehicleY or XLEVY 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.

c34d XLoaded vehicle weightY or XLVWY means a vehicle[s] curb weight in pounds plus 300 pounds.

c35d XModel yearY or XMY 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.

c36d XMotor vehicleY means any self-propelled vehicle having 4 or more wheels on the ground, designed for transporting persons or property on a street or highway.

c37d XMotor vehicles held for lease or rental to the general publicY 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.

c38d XMotor vehicles used for motor vehicle manufacturer product evaluations and testsY 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.

c39d XNew covered fleet vehicleY 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:

cad Vehicles that were manufactured before the start of the fleet program, for the vehicle[s] weight class.

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

ccd Vehicles transferred as part of an employe transfer.

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

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

c40d XNHCY means nonmethane hydrocarbons.

c41d XNMOGY 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.

c42d XOperational rangeY means the distance that a vehicle is able to travel round trip on a single fueling.

c43d XOwned or operated, leased or otherwise controlled by a single personY 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. **c9d**.

c44d XPartially-covered fleetY 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.

c45d XPersonY 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.

c46d XSingle-unit heavy-duty vehicleY means a motor vehicle with a GVWR greater than 8,500 pounds c3,900 kilogramsd 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.

c47d XTransportation control measureY or XTCMY 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

c48d XUltra low-emission vehicleY or XULEVY means any LDV or LDT conforming to the applicable ULEV standard, or any HDV with an engine conforming to the applicable ULEV standard.

c49d XVINY means the manufacturer[s vehicle identification number.

c50d XZero emission vehicleY or XZEVY means any LDV or LDT conforming to the applicable ZEV standard, or any HDV conforming to the applicable ZEV standard.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 487.03 General requirements. c1d 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:

cad 30% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or otherwise newly acquired in model year 1999.

cbd 50% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year 2000.

ccd 70% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year 2001 and every model year thereafter.

c2d COMPLIANCE OPTIONS. The acquisition percentage requirements of sub. **c1d** may be met in any of the following ways:

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

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

ccd By redeeming acquisition credits.

c3d 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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; am. c1d cad, cbd and ccd, Register, September, 1998, No. 513, eff. 10-1-98.

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:

c1d Motor vehicles which under normal operations are garaged at a personal residence and which are not centrally fueled 100% of the time.

c2d Motor vehicles held for lease or rental to the general public.

c3d Motor vehicles held for sale by motor vehicle dealers, including demonstration vehicles.

c4d Motor vehicles used for motor vehicle manufacturer product evaluations or tests.

c5d Law enforcement vehicles and other emergency vehicles.

c6d Nonroad vehicles, including farm and construction vehicles which are not motor vehicles.

c7d Motor vehicles which the U.S. secretary of defense has determined should be exempt from the program for national security reasons.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

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:

c1d 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:

cad The name and address of the fleet operator.

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

ccd 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.

cdd 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.

ced 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.

cfd Any other information which may be necessary for implementation of the requirements of this chapter.

c2d 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.

c3d TRIP PROFILE CALCULATIONS. cad 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 c58 FR 64679d](#) or any other method approved by the department and EPA.

cbd Fleet operators who have submitted trip profile calculations for some of their nonexempt vehicles under par. cad 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.

c4d ANNUAL UPDATE. Starting in calendar year 1999, 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.

c5d SUBSEQUENTLY COVERED FLEETS. The operator of a fleet which becomes subject to this chapter on or after September 1, 1998 shall register with the department within 60 days of the fleet qualifying as a covered fleet.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; am. c4d and c5d, Register, September, 1998, No. 513, eff. 10-1-98.

NR 487.06 Clean fuel fleet annual compliance plan.

c1d ANNUAL COMPLIANCE PLAN SUBMITTAL. cad 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.

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

c2d COMPONENTS OF ANNUAL COMPLIANCE PLAN. The annual compliance plans submitted to the department under this chapter shall include all of the following information:

cad 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.

cbd 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.

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

cdd 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.

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

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

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

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

c3d 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 c3d, c4d or c5d](#), the covered fleet operator shall prepare and submit a revised annual compliance plan within 60 days.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 487.07 Annual compliance plan submittal deadline.

c1d FLEET OPERATORS COVERED ON OR BEFORE SEPTEMBER 1, 1998. Except as provided in sub. [c2d](#), a fleet operator that is a covered fleet operator on or before September 1, 1998 shall submit an initial compliance plan to the department no later than September 1, 1998 or within 120 days of formal notification by the department that compliance plans are due, whichever comes later. Subsequent annual compliance plans shall be submitted by September 1, of each year.

c2d FLEET OPERATORS COVERED AFTER SEPTEMBER 1, 1998. Fleet operators who become covered fleet operators after September 1, 1998 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 September 1, of each year.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; am., Register, September, 1998, No. 513, eff. 10-1-98.

NR 487.08 Annual compliance plan review, approval and disapproval process.

c1d 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.

c2d 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:

cad The annual compliance plan is submitted on forms prescribed by the department.

cbd The information on the forms is complete and legible.

ccd The information and data on the forms are accurate.

cdd 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](#).

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

c3d ANNUAL COMPLIANCE APPROVAL OR CONDITIONAL APPROVAL. If the compliance plan meets the criteria of sub. [c2d](#), 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.

c4d ANNUAL COMPLIANCE PLAN DISAPPROVAL. If a covered fleet operator submits an annual compliance plan which fails to meet the criteria of sub. [c2d](#), 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. **c2d**, the department may impose a plan which satisfies the criteria of sub. **c2d**.

c5d 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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 487.09 Clean fuel fleet acquisition credit program. c1d 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:

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

cbd The covered fleet operator acquires vehicles which meet stricter emission standards than those required.

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

cdd The covered fleet operator acquires clean fuel fleet vehicles in the period after November 15, 1990 but before the beginning of the 1999 MY.

c2d 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.

c3d 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.

c4d 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.

cad *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.

cbd *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.

c5d 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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; am. c1d cdd, Register, September, 1998, No. 513, eff. 10-1-98.

NR 487.10 Transportation control measure exemptions for clean fuel fleet vehicles. c1d ELIGIBILITY. cad 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 cTCMsd, established wholly or partially for air quality reasons in the covered area.

cbd Exempt vehicles in partially covered fleets that are generating acquisition credits for covered fleet vehicles as specified in s. NR 487.09 c1d ccd shall be exempt from temporal-based TCMs.

ccd Following EPA approval of this chapter as part of Wisconsin[s] ozone SIP, but before the beginning of the 1999 MY, covered clean fuel fleet vehicles shall be exempt from temporal-based TCMs.

c2d EXEMPTION LIMITATION. cad 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.

cbd 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.

c3d 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 cHOVd lanes, but are not eligible for bus-only HOV lanes or for any exemption which would create a clear and direct safety hazard.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95; am. c1d ccd, Register, September, 1998, No. 513, eff. 10-1-98.

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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

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.

History: Cr. Register, May, 1995, No. 473, eff. 6-1-95.

NR 487.14 Enforcement procedures and penalties. Covered fleet operators shall be subject to department enforce-

ment procedures and penalties in accordance with ss. [285.83](#) and [285.87](#), Stats., and ch. [NR 494](#) if they fail to comply with the requirements of this chapter.

History: Cr. [Register, May, 1995, No. 473](#), eff. 6-1-95.

Table 1
Emission Standards for Light-duty Vehicles
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	LDT		LDT >6000 lb. GVWR, ≤3750 lb. ALVW	LDT >6000 lb. GVWR, >3750 lb. ALVW	LDT >6000 lb. GVWR, >5750 lb. ALVW
	LDV, LDT ≤6000 lb. GVWR, ≤3750 lb. LVW	≤6000 lb. GVWR, >3750 lb. LVW ≤5750lb. LVW			
Tier 1:*					
NMHC	0.25	0.32	0.25	0.32	0.39
CO	3.4	4.4	3.4	4.4	5.0
NO	0.40	0.70	0.40	0.70	1.1
LEV { ILEV:					
NMOG	0.075	0.10	0.125	0.16	0.195
CO	3.4	4.4	3.4	4.4	5.0
NO - LEV	0.20	0.40	0.40	0.70	1.1
NO - ILEV	0.20	0.40	0.20	0.40	0.60
HCHO	0.015	0.018	0.015	0.018	0.022
PM	-	-	-	-	-
ULEV:					
NMOG	0.040	0.050	0.075	0.10	0.117
CO	1.7	2.2	1.7	2.2	2.5
NO	0.20	0.40	0.20	0.40	0.60
HCHO	0.0080	0.0090	0.0080	0.0090	0.011
PM	0.080	0.080	-	-	-
ZEV:					
NMOG	0.0	0.0	0.0	0.0	0.0
CO	0.0	0.0	0.0	0.0	0.0
NO	0.0	0.0	0.0	0.0	0.0

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

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

HCHO is formaldehyde.

Standards for PM cparticulate matterd apply only to diesel fueled vehicles.

Table 2
Emission Standards for Heavy-duty Vehicles
 cgrams{brake horsepower-hourd

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

Standards for PM cparticulate matterd apply only to diesel fueled 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.	LDV, LDT	LDT	LDT	LDT	LDT
	≤6000 lb. GVWR, ≤3750 lb. LVW	≤6000 lb. GVWR, >3750 lb. LVW	>6000 lb. GVWR, ≤3750 lb. ALVW	>6000 lb. GVWR, >3750 lb. ALVW	>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.	LDV, LDT ≤6000 lb. GVWR, ≤3750 lb. LVW	LDT	LDT	LDT	LDT
		≤6000 lb. GVWR, >3750 lb. LVW	>6000 lb. GVWR, ≤3750 lb. ALVW	>6000 lb. GVWR, >3750 lb. ALVW	>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.	LDV, LDT ≤ 6000 lb. GVWR, ≤3750 lb. LVW	LDT	LDT	LDT	LDT
		≤6000 lb. GVWR, >3750 lb. LVW	>6000 lb. GVWR, ≤3750 lb. ALVW	>6000 lb. GVWR, >3750 lb. ALVW	>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.	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.	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.	LHDV	MHDV
LEV	1.00	1.00