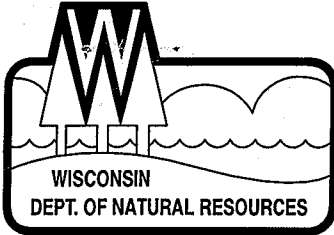


98-021

Clearinghouse Rule 98-021

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

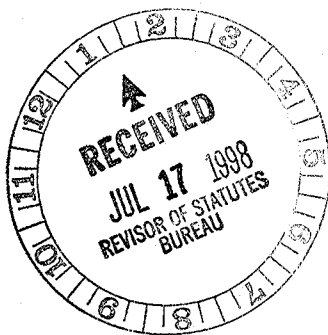
Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

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-6-98 was duly approved and adopted by this Department on May 27, 1998. 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 16th day of July, 1998.



George E. Meyer
George E. Meyer, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
AMENDING RULES

.....
:The Wisconsin Natural Resources Board proposes an order to amend :
:NR 487.03(1) (a), (b) and (c), 487.05(4) and (5), 487.07(1) and (2), :
:487.09(1) (d) and 487.10(1) (c) relating to the Clean Fuel Fleet :
:Program to reduce volatile organic compound and oxides of nitrogen: :
:emissions from fleet vehicles. :
:.....

AM-6-98

Analysis Prepared by the Wisconsin Department of Natural Resources

Authorizing statutes: ss. 227.11(2) (a), 285.11(1) and 285.35(3), Stats.

Statutes interpreted: ss. 285.11(6) and 285.35(3), Stats. The State Implementation Plan developed under s. 285.11(6), Stats., is revised.

Section 285.35, Stats., authorizes DNR to administer a Clean Fuel Fleet Program. This program 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 requires fleets covered under the program to acquire clean fuel vehicles as a certain percentage of their new vehicle acquisitions each year.

The proposed rule delays the implementation of the program by one model year from model year 1998 purchases to model year 1999 purchases. An additional change is made to the rules to make September 1, as the submission date of the annual compliance plan for each subsequent year.

SECTION 1. NR 487.03(1) (a), (b) and (c) are amended to read:

NR 487.03(1) (a) 30% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or otherwise newly acquired in model year ~~1998~~ 1999.

(b) 50% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year ~~1999~~ 2000.

(c) 70% of all LDVs and LDTs and 50% of all light and medium HDVs purchased or newly acquired in model year ~~2000~~ 2001 and every model year thereafter.

SECTION 2. NR 487.05(4) and (5) are amended to read:

NR 487.05(4) **ANNUAL UPDATE**. The 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 electrical vehicles.

(5) **SUBSEQUENTLY COVERED FLEETS.** The operator of a fleet which becomes subject to this chapter on or after September 1, ~~1997~~ 1998 shall register with the department within 60 days of the fleet qualifying as a covered fleet.

SECTION 3. NR 487.07(1) and (2) are amended to read:

NR 487.07 (1)(title) **FLEET OPERATORS COVERED ON OR BEFORE SEPTEMBER 1, 1998.** Except as provided in sub. (2), a fleet operator that is a covered fleet operator on or before September 1, ~~1996~~ 1998 shall submit an initial compliance plan to the department no later than September 1, ~~1996~~ 1998 or within 120 days of formal notification by the department that compliance plans are due, whichever comes ~~first~~ later. Subsequent annual compliance plans shall be submitted by ~~the anniversary date of the initial submittal~~ September 1, of each year.

(2) (title) **FLEET OPERATORS COVERED AFTER SEPTEMBER 1, 1998.** Fleet operators who become covered fleet operators after September 1, ~~1996~~ 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 ~~the anniversary date of the initial submittal~~ September 1, of each year.

SECTION 4. NR 487.09(1)(d) is amended to read:

NR 487.09(1)(d) The covered fleet operator acquires clean fuel fleet vehicles in the period after November 15, 1990 but before the beginning of the ~~1998~~ 1999 MY.

SECTION 5. NR 487.10(1)(c) is amended to read:

NR 487.10(1)(c) Following EPA approval of this chapter as part of Wisconsin's ozone state implementation plan, but before the beginning of the ~~1998~~ 1999 MY, covered clean fuel fleet vehicles shall be exempt from temporal-based TCMS.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 27, 1998.

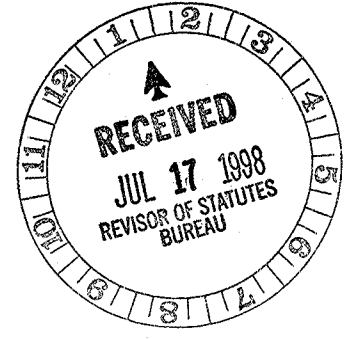
The rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

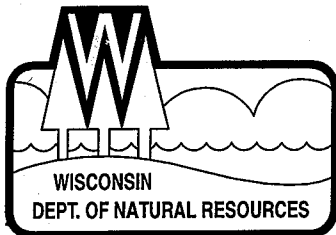
Dated at Madison, Wisconsin July 16, 1998.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary

(SEAL)





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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July 15, 1998

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. AM-6-98. These rules were reviewed by the Assembly Committee on Environment and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George
George E. Meyer
Secretary

Enc.

