

**WAC 173-423-080 Fleet average nonmethane organic gas (NMOG) and NMOG Plus NO<sub>x</sub> exhaust emission requirements, reporting and compliance.**

(1) Fleet average requirement.

(a) Effective model year 2009 through 2014, except as provided in this subsection, each motor vehicle manufacturer's NMOG fleet average emissions from passenger cars and light duty trucks delivered for sale in Washington shall not exceed the Fleet Average NMOG Exhaust Emission Requirement set forth in the California Code of Regulations, Title 13, section 1961(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO<sub>x</sub> values in subsection (b) of this section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO<sub>x</sub> fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO<sub>x</sub> values using the applicable full useful life standards.

(b) Effective model year 2015, each motor vehicle manufacturer's NMOG + NO<sub>x</sub> fleet average emissions from passenger cars, light duty trucks and medium duty passenger vehicles delivered for sale in Washington shall not exceed the fleet average NMOG + NO<sub>x</sub> exhaust emission requirement set forth in the California Code of Regulations, Title 13, section 1961.2(b).

Compliance shall be based on the number of vehicles, subject to this regulation, delivered for sale in the state of Washington.

(2) Fleet average NMOG and NMOG Plus NO<sub>x</sub> exhaust emission credits and debits.

(a) Effective model year 2009 through 2014, except as provided in this subsection, each vehicle manufacturer can accrue NMOG emission credits and debits and use credits in accordance with the procedures in the California Code of Regulations, Title 13, section 1961(c). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NO<sub>x</sub> values in subsection (b) of this section in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NO<sub>x</sub> fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NO<sub>x</sub> values using the applicable full useful life standards.

(b) Effective model year 2015, each vehicle manufacturer may accrue NMOG + NO<sub>x</sub> emission credits and debits and use credits in accordance with the procedures in the California Code of Regulations, Title 13, section 1961.2(c).

Debits and credits accrued and used shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale by each manufacturer, in the state of Washington.

(3) Reporting.

(a) Effective model year 2009 through model year 2014. Except as provided in this subsection, each manufacturer shall submit by March 1 a report to the department of ecology that calculates the fleet average NMOG exhaust emissions for the model year just ended.

The report shall follow the procedures in the California Code of Regulations, Title 13, section 1961 and shall be in the same format used to report such information to the California Air Resources Board.

Manufacturers that elect to comply with the NMOG + NO<sub>x</sub> fleet average emission limit for 2014 must report as provided in subsection (b) of this section.

(b) Effective model year 2015 and each model year thereafter, each manufacturer shall submit by March 1st a report to the department of ecology that calculates the fleet average NMOG + NO<sub>x</sub> exhaust emissions for the model year just ended.

The report shall follow the procedures in the California Code of Regulations, Title 13, section 1961.2 and shall be in the same format used to report such information to the California Air Resources Board.

(4) Compliance with fleet average NMOG requirement. Effective model year 2012 through 2014, if a report submitted by the manufacturer under subsection (3) of this section demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to the department of ecology within sixty days a Fleet Average Enforcement Report. The Fleet Average Enforcement Report shall:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in the California Code of Regulations, Title 13, section 1961 (c)(3), and in accordance with subsection (2) of this section.

(b) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(c) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(5) Compliance with fleet average NMOG + NO<sub>x</sub> requirement. Beginning in model year 2015, if a report submitted by the manufacturer under subsection (3)(b) of this section demonstrates that the manufacturer is not in compliance with the fleet average emission standard, the manufacturer must submit to the department of ecology within sixty days a Fleet Average Enforcement Report. The Fleet Average Enforcement Report shall:

(a) Describe how the manufacturer intends to equalize any accrued debits, as required in the California Code of Regulations, Title 13, section 1961.2 (c)(3), and in accordance with subsection (2) of this section.

(b) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(c) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(6) For model years 2009 through 2011, the Fleet Average Enforcement Report, if needed, must be submitted to the department of ecology by March 1, 2012. If debits are accrued in all three years, one year of debits must be equalized by the end of the 2012 model year.

[Statutory Authority: RCW 70.120A.010. WSR 12-24-033 (Order 11-01), § 173-423-080, filed 11/28/12, effective 12/29/12; WSR 05-24-044, § 173-423-080, filed 11/30/05, effective 12/31/05.]