

CHAPTER 9 MOTOR VEHICULAR POLLUTANTS, LEAD, ODORS, AND NUISANCE POLLUTANTS

Section

900	Engine Idling
901	Vehicular Exhaust Emissions
902	Lead Content of Gasoline
903	Odorous or Other Nuisance Air Pollutants
904	Oxygenated Fuels
905	Fleet Registration and Recordkeeping
906	Clean Fuel Fleet Vehicle Acquisition Requirements
907	Vehicle Conversions
908	Exemptions
909	Vehicle Labeling and Identification Requirements
910	Fuel Availability Requirement
911	Fuel Choice
912	Credit Program Implementation
913	Transportation Control Measure Exemptions
914	Fines and Penalties
915	National Low Emission Vehicle Program
916	Heavy Duty Diesel Engine Emission Standards
999	Definitions and Abbreviations

900 ENGINE IDLING

900.1 The engine of a gasoline or diesel powered motor vehicle, the engine of public vehicle for hire, including buses with a seating capacity of twelve (12) or more persons, on public or private space shall not idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

- (a) To operate private passenger vehicles;
- (b) To operate power takeoff equipment including dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or
- (c) To idle the engine for five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.

AUTHORITY: Unless otherwise noted, the authority for this chapter is § 412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub. L. No. 93-198 codified at D.C. Official Code § 1-204.04(a) (2001); and § 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) codified at D.C. Official Code § 8-101.06 (2001); Mayor's Order 93-12 dated February 16, 1993; and Mayor's Order 98-44 dated April 10, 1998.

SOURCE: Motor Vehicle Excessive Idling Fine Increase Amendment Act of 1999, D.C. Law 13-35 (D.C. Act 13-102) published at 46 DCR 6017, 6017-18 (July 23, 1999).

901 VEHICULAR EXHAUST EMISSIONS

901.1 The engine, power and exhaust mechanism of each motor vehicle shall be equipped, adjusted and operated to prevent the escape of a trail of visible fumes or smoke for more than ten (10) consecutive seconds.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 565, 647 (February 1, 1985).

902 LEAD CONTENT OF GASOLINE

902.1 No gasoline containing more than one (1.0) gram of lead per gallon shall be sold.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 565, 647 (February 1, 1985).

903 ODOROUS OR OTHER NUISANCE AIR POLLUTANTS

903.1 An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property is prohibited.

903.2 [Repealed] D.C. Law 11-94 (D.C. Act 11-177) published at 42 DCR 7178 (December 29, 1995).

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 565, 647 (February 1, 1985); as amended by § 14 of the Solid Waste Facility Permit Act of 1995, D.C. Law 11-94 (D.C. Act 11-177) published at 42 DCR 7172, 7178 (December 29, 1995).

904 OXYGENATED FUELS

904.1 Beginning on November 1, 1992, and for each oxygenated gasoline control period thereafter, all gasoline purchased, sold, offered for sale, or used in the oxygenated gasoline control area shall contain a minimum of two and seven tenths percent (2.7%) oxygen by weight.

904.2 Beginning on November 1, 1992, and for each oxygenated gasoline control period thereafter, each gasoline pump stand from which oxygenated gasoline is dispensed at a retail outlet shall be affixed with a legible and conspicuous label which contains the following statement:

“The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.”

- 904.3 After November 1, 1997, the requirements of §§ 904.1 and 904.2 shall not apply unless the Mayor determines that a national primary ambient air quality standard for carbon monoxide has been exceeded more than once per calendar year at a state or local air monitoring station in the Washington, D.C. - Maryland - Virginia Metropolitan Statistical Areas. In such cases, the requirements of §§ 904.1 and 904.2 will not take effect until the next oxygenated gasoline control period, but not less than six (6) months following the determination by the Mayor.
- 904.4 The posting of the statement under § 904.2 shall be in block letters of no less than twenty (20) point bold type; in a color contrasting the intended background. The label shall be placed on the vertical surface of the pump on each side which has price and gallonage meters, and shall be on the upper two-thirds (2/3) of the pump, clearly readable by the public.
- 904.5 The retailer shall be responsible for compliance with the labeling requirements of this section.

SOURCE: Section 2 of the Air Pollution Control Act of 1984 National Ambient Air Quality Standards Attainment Amendment Act of 1993, D.C. Law 10-24 (D.C. Act 10-55) published at 40 DCR 5474, 5487 (July 30, 1993); as amended by Final Rulemaking published at 44 DCR 4256 (July 25, 1997).

905 FLEET REGISTRATION AND RECORDKEEPING

- 905.1 Operators of all covered fleets shall register with the Mayor within one hundred twenty (120) days after November 4, 1994, of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994. Fleets which become covered fleets after November 4, 1994, because of an increase in fleet size or central fueling capabilities shall register with the Mayor within ninety (90) days of becoming a covered fleet.
- 905.2 Covered fleets shall register on a form to be prescribed by the Mayor, which shall require the following information:
- (a) Name of fleet operator;
 - (b) Address of fleet operator; and
 - (c) Number of fleet vehicles.
- 905.3 Accurate records shall be maintained by covered fleets to verify compliance with this chapter. All records shall be maintained for the current model year plus the previous model year. For purposes of enforcement of this chapter, officers or employees duly designated by the Mayor, upon presenting appropriate credentials, are authorized to inspect the records of a covered fleet operator. All records provided by covered fleets to the Mayor or the Mayor's designee shall be treated as confidential and proprietary trade secrets.
- 905.4 The records that must be maintained by covered fleet operators as provided in § 905.3 shall be limited to the following:

- (a) The number of clean-fuel vehicles acquired for the applicable model years;
- (b) The make, model, weight classification, and fuel type of each fleet vehicle acquired pursuant to this chapter;
- (c) The type of clean-fuel vehicle (i.e., dedicated, flexible-fueled, bi-fueled, dual-fueled, original equipment manufacturer, converted);
- (d) The vehicle identification number; and
- (e) Purchase records or clean fuel purchases on a monthly basis.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7185 (November 4, 1994).

906 CLEAN FUEL FLEET VEHICLE ACQUISITION REQUIREMENTS

906.1 Of the new covered fleet vehicles purchased each year by a covered fleet operator beginning in Model Year 1998 and thereafter, at least a specified percentage of the vehicles shall be clean-fuel vehicles, as provided in this section. The vehicles shall operate on clean fuels when operating in the covered area. The required new vehicle purchase percentages for each vehicle type shall be those set forth in table 9-1 of this subsection:

Table 9-1

CFFV PURCHASE REQUIREMENTS

VEHICLE CLASS	MODEL YEAR 1998	MODEL YEAR 1999	MODEL YEAR 2000 plus
LDVs and LDTs under 6,000 lbs. GVWR	30%	50%	70%
LDT 6,000 lbs GVWR or higher but not over 8,500 lbs. GVWR	30%	50%	70%
HDVs over 8,500 lbs. and below 26,000 lbs. GVWR	50%	50%	50%

906.2 Any clean-fuel vehicle purchased pursuant to the requirements of § 906.1 of this chapter shall meet the emission standard for its respective vehicle class and category as contained

in § 906.3 and as may be amended by the Mayor to the extent necessary to conform with revised emission standards promulgated after the date of enactment of the Clean Air Act by the Environmental Protection Agency.

906.3 The emission tables are as follows:

Table 9-2

**CFFV EMISSION STANDARDS FOR
LOW EMISSION VEHICLES (LEV_s) - LDV_s AND LDT_s**

Pollutant	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 ≤5750 LVW	LDT>6000 GVWR ≥3750 TW	LDT>6000 GVWR >3750 TW ≤5750 TW	LDT>6000 GVWR >5750 TW
	NMOG, g/mi	0.075	0.1	0.125	0.16
CO, g/mi	3.4	4.4	3.4	4.4	5.0
NOX, g/mi	0.2	0.4	0.4	0.7	1.1

Table 9-3

**CFFV EMISSION STANDARDS FOR
ULTRA LOW EMISSION VEHICLES (ULEV_s) - LDV_s AND LDT_s**

Pollutant	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 ≤5750 LVW	LDT>6000 GVWR ≥3750 TW	LDT>6000 GVWR >3750 TW ≤5750 TW	LDT>6000 GVWR >5750 TW
	NMOG, g/mi	0.04	0.05	0.075	0.1
CO, g/mi	1.7	2.2	1.7	2.2	2.5
NOX, g/mi	0.2	0.4	0.2	0.4	0.6

Table 9-4

**CFFV EMISSION STANDARDS FOR
ZERO EMISSION VEHICLES (ZEV_s) - LDV_s AND LDT_s**

Pollutant	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR >3750 ≤5750 LVW	LDT>6000 GVWR ≥3750 TW	LDT>6000 GVWR >3750 TW ≤5750 TW	LDT>6000 GVWR >5750 TW
	NMOG, g/mi	0.0	0.0	0.0	0.0

CO, g/mi	0.0	0.0	0.0	0.0	0.0
NOX, g/mi	0.0	0.0	0.0	0.0	0.0

Table 9-5

CFFV EMISSION STANDARDS FOR HDVs

LEV	Emissions Level
NMHC + NO_x	3.5 g/BHP-hr
CO	15.5 g/BHP-hr
ULEV	Emissions Level
NMHC + NO_x	2.5 g/BHP-hr
CO	7.2 g/BHP-hr
ZEV	Emissions Level
NMHC + NO_x	0.0 g/BHP-hr
CO	0.0 g/BHP-hr

906.4 The clean-fuel vehicle purchase requirements applicable to covered fleet operators under this chapter may be satisfied by the following:

- (a) Converting existing vehicles to clean-fuel vehicles;
- (b) Purchasing new vehicles which shall be converted to clean-fuel vehicles;
- (c) Purchasing Original Equipment Manufacturer clean-fuel vehicles; or
- (d) Acquiring credits under § 912 of this chapter.

906.5 A covered fleet operator may satisfy the purchase requirements of this section by acquiring dual-fueled, bi-fueled, or flexible-fueled vehicles as long as the operator can demonstrate to the satisfaction of the Mayor that the vehicles are only operated on the clean-fuel within the covered area.

906.6 Federal fleets shall use, to the extent possible, only Original Equipment Manufacturer vehicles in complying with the purchase requirements of this chapter.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7186 (November 4, 1994).

907 VEHICLE CONVERSIONS

- 907.1 Covered fleet operators shall ensure that converted vehicles, conversion kits, and conversion installations shall conform to the requirements of the Environmental Protection Agency (EPA) for vehicle conversions as found in 40 CFR Parts 86 and 88.
- 907.2 A vehicle converted to a clean-fuel vehicle shall be eligible to generate credits only if the conversion kit installer provides the covered fleet operator a clean-fuel vehicle certificate of conformity issued by EPA.
- 907.3 No person shall convert a gasoline or diesel-powered vehicle to a clean-fuel vehicle unless the conversion complies with the rules for conversions as promulgated in this chapter and pursuant to § 247 of the Clean Air Act and regulations promulgated by the Environmental Protection Agency under § 247. Any person performing conversions that do not comply with this chapter, § 247, or regulations promulgated pursuant to § 247, will be considered in violation of federal anti-tampering laws and subject to the penalties provided in the Clean Air Act.
- 907.4 Any person who converts a vehicle to a clean-fuel vehicle shall issue a vehicle or engine warranty for any such conversion done by that person. The warranty and the warranty period shall meet the specifications stated in § 207(i) of the Clean Air Act.
- 907.5 The person who converts to a clean-fuel vehicle is responsible for the recall and repair of the vehicles, as specified in § 207 of the Clean Air Act, if at any time there is found to be an inherent or developed problem associated with the conversion or installation.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7189 (November 4, 1994).

908 EXEMPTIONS

- 908.1 The following vehicles shall be exempt from the purchase requirements contained in this chapter:
- (a) Any vehicle greater than twenty-six thousand pounds (26,000 lbs.) GVWR;
 - (b) Emergency or law enforcement vehicles;
 - (c) Nonroad vehicles (farm and construction vehicles);
 - (d) Vehicles in fleets operating in the covered area with fewer than ten (10) vehicles;
 - (e) Vehicles in a covered fleet not capable of being centrally fueled;
 - (f) Vehicles which are garaged under normal operations at a personal residence;
 - (g) Vehicles leased or rented to the general public;

- (h) New car demonstration vehicles; and
- (i) Vehicles used for product demonstrations and tests.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7189 (November 4, 1994).

909 VEHICLE LABELING AND IDENTIFICATION REQUIREMENTS

- 909.1 The Mayor shall issue a clean-fuel identification sticker to any vehicle that meets the clean-fuel vehicle emission standards contained in § 906.3 of this chapter that has passed inspection in the District.
- 909.2 The clean-fuel vehicle identification sticker is void if removed.
- 909.3 The Mayor shall issue an alternative fuel identification sticker to any clean-fuel vehicle that is powered by an alternative fuel and has passed inspection in the District.
- 909.4 The alternative fuel identification sticker is void if removed.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7190 (November 4, 1994).

910 FUEL AVAILABILITY REQUIREMENT

- 910.1 Fuel providers shall make clean fuels available to covered fleet operators at locations at which covered fleet vehicles are fueled.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7190 (November 4, 1994).

911 FUEL CHOICE

- 911.1 The choice of clean-fuel vehicles and clean fuels shall be made by the covered fleet operators subject to the requirements of this chapter.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7190 (November 4, 1994).

912 CREDIT PROGRAM IMPLEMENTATION

- 912.1 Credits will only be generated when a covered fleet operator acquires above and beyond the required amount and type of vehicles for compliance with the purchase requirements contained in § 906.1 of this chapter
- 912.2 Credits can be generated by a covered fleet operator in the covered area if the vehicles acquired meet all of the requirements of this chapter.
- 912.3 Credits may be used by covered fleets as substitutes for vehicle acquisitions to meet the acquisition requirements.
- 912.4 Conversions to clean-fuel vehicles shall earn credits in the same manner as other acquired vehicles.
- 912.5 Covered fleet operators shall meet the fleet vehicle purchase requirements of this Act by purchasing clean-fuel vehicles, whether a new, used, or converted vehicle, or by trading and banking clean-fuel fleet vehicle credits for vehicle purchases.
- 912.6 All credit-generating vehicles must meet the applicable emission standards and other requirements contained in § 906 of this chapter.
- 912.7 While in a covered area, a dual-fuel, bi-fuel, or flexible-fuel vehicle purchased by a fleet operator to comply with fleet purchase requirements shall be operated at all times on the fuel or fuels on which it was certified as a clean-fuel fleet vehicle. If the fleet operator receives credit for a dual-fuel, bi-fuel, or flexible-fuel vehicle purchase, the vehicle must operate at the same emission level for which the vehicle generated clean-fuel fleet credit.
- 912.8 All covered fleets shall be eligible to generate credits.
- 912.9 Credits may be traded or sold for use in the covered area.
- 912.10 Trading of credits among all subclasses of LDVs and LDTs is permitted. Credit trading is not allowed between the LDT/LDV classes and HDV classes.
- 912.11 Clean-fuel fleet vehicle credits may be earned by a covered fleet operator for any of the following qualifying purchases:
- (a) Purchase of a clean-fuel vehicle during any period subsequent to July 15, 1994, but prior to September 1, 1997, if the purchase meets all other clean-fuel fleet vehicle requirements applicable to the purchase, including the statutory requirement to use only the fuel on which the vehicle was certified;
 - (b) Purchase of a greater number of clean-fuel fleet vehicles than is required under this chapter;

- (c) Purchase of a clean-fuel fleet vehicle that meets more stringent emission standards than required under this chapter (ULEVs, ZEVs, and ILEVs);
- (d) Purchase of a clean-fuel fleet vehicle in an exempt vehicle category by the operator of a covered or partially covered fleet; or
- (e) Purchase of a clean-fuel vehicle by a noncovered fleet operator.

912.12 For LDVs and LDTs, credit values shall be determined in accordance with tables 9-6, 9-7, and 9-8.

912.13 For HDVs, credit values shall be determined in accordance with tables 9-9, 9-10, and 9-11.

912.14 Credit values shall be calculated to two (2) decimal places.

912.15 Credits shall be designated as follows:

- (a) Credits generated by the purchase of a qualifying clean-fuel fleet LDV or LDT shall be designated at the time of issuance as light-duty clean-fuel fleet vehicle credits;
- (b) Credits generated by the purchase of a qualifying clean-fuel fleet HDV shall be designated at the time of issuance as heavy-duty clean-fuel fleet vehicle credits; and
- (c) Credits generated by the purchase of a light heavy-duty or a medium heavy-duty qualifying clean-fuel fleet vehicle shall be designated at the time of issuance as light heavy-duty or medium heavy-duty credits, respectively.

912.16 The following are credit tables:

Table 9-6

LIGHT DUTY VEHICLE CREDIT GENERATION: PURCHASING MORE CLEAN-FUEL VEHICLES THAN REQUIRED BY THE MANDATE

NMOG +NO _x	LDV, LDT ≤ 6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR >3750 ≤5750	LDT > 6000 GVWR ≥3750 TW	LDT > 6000 GVWR >3750 TW ≤5750 TW	LDT > 6000 GVWR >5750 TW
	LEV	1.00	1.26	.71	.91
ULEV	1.20	1.54	1.00	1.29	1.47
ZEV	1.43	1.83	1.43	1.83	2.23

Table 9-7

LIGHT DUTY VEHICLE CREDIT GENERATION: PURCHASING A ULEV OR ZEV TO MEET THE MANDATE

NMOG +NO _x	LDV, LDT ≤ 6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR >3750 ≤5750	LDT > 6000 GVWR ≥3750 TW ≤5750 TW	LDT > 6000 GVWR >3750 TW	LDT > 6000 GVWR >5750 TW
	LEV	0.00	0.00	0.00	0.00
ULEV	.20	.29	.29	.34	.45
ZEV	.43	.57	.71	.91	1.11

Table 9-8

LIGHT DUTY VEHICLE CREDIT NEEDED IN LIEU OF PURCHASING A LEV TO MEET THE MANDATE

NMOG +NO _x	LDV, LDT ≤ 6000 GVWR ≤3750 LVW	LDT ≤ 6000 GVWR >3750 ≤5750	LDT > 6000 GVWR ≥3750 TW ≤5750 TW	LDT > 6000 GVWR >3750 TW	LDT > 6000 GVWR >5750 TW
	LEV	1.00	1.26	.71	.91

Table 9-9

HEAVY DUTY VEHICLE CREDIT GENERATION: PURCHASING MORE CLEAN-FUEL VEHICLES THAN REQUIRED BY THE MANDATE

NMHC + NO _x	LIGHT HDV	MEDIUM HDV	HEAVY HDV
LEV	1.00	1.00	1.00
ULEV	1.87	1.87	1.87
ZEV	3.53	3.53	3.53

Table 9-10

HEAVY DUTY VEHICLE CREDIT GENERATION: PURCHASING A ULEV OR ZEV TO MEET THE MANDATE

NMHC + NO _x	LIGHT HDV	MEDIUM HDV
LEV	0.00	0.00

ULEV	0.87	0.87
ZEV	2.53	2.53

Table 9-11

HEAVY DUTY VEHICLE CREDIT NEEDED IN LIEU OF PURCHASING A LEV TO COMPLY WITH THE MANDATE

NMHC + NO _x	LIGHT HDV	MEDIUM HDV
LEV	1.00	1.00

- 912.17 All credits generated in accordance with this regulation may be freely traded or banked for later use, subject to the provisions contained in this chapter, without discount or depreciation.
- 912.18 Duplication of credit vouchers by anyone other than the Mayor is prohibited.
- 912.19 Once a credit voucher is sold or traded, the holder of the sold or traded voucher must return it to the administrative authority. A new voucher will then be issued to the individual or company who received the sold or traded credit voucher.
- 912.20 A covered fleet operator desiring to demonstrate full or partial compliance with covered fleet purchase requirements by the redemption of credits shall surrender sufficient credits as established in this section. In lieu of purchasing a clean-fuel fleet vehicle, a fleet operator shall surrender credits equal to the credit calculation method used in that area from the tables found in this section.
- 912.21 Credits earned within the boundaries of the covered area may be traded within those boundaries whether or not that area encompasses parts of more than one state.
- 912.22 Credits earned within the boundaries of an attainment area may not be used to show compliance for a covered fleet operator in a nonattainment area.
- 912.23 Credits generated by the purchase of LDVs and LDTs of eight thousand five hundred pounds (8,500 lbs.) GVWR or less may be used to demonstrate compliance with covered fleet purchase requirements applicable to LDVs or LDTs of eight thousand five hundred pounds (8,500 lbs.) GVWR or less.
- 912.24 Credits generated by the purchase of vehicles of more than eight thousand five hundred pounds (8,500 lbs.) GVWR may not be used to demonstrate compliance with requirements for vehicles weighing eight thousand five hundred pounds (8,500 lbs.) GVWR or less.
- 912.25 Credits generated by the purchase of vehicles of eight thousand five hundred pounds (8,500 lbs.) GVWR or less may not be used to demonstrate compliance with requirements for vehicles weighing more than eight thousand five hundred pounds (8,500 lbs.) GVWR.

912.26 Credits generated by the purchase of a HDV of a particular weight subclass may be used to demonstrate compliance with required heavy-duty vehicle purchases for the same or lighter weight subclasses. These credits may not be used to demonstrate compliance with required HDV purchases for vehicles of heavier weight subclasses than the weight subclass of the vehicle that generated the credits.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 1-338) published at 41 DCR 7178, 7190 (November 4, 1994).

913 TRANSPORTATION CONTROL MEASURE EXEMPTIONS

913.1 Clean-fuel vehicles operated by covered fleets shall be exempt from measures which restrict vehicle usage based primarily on temporal considerations, such as time-of-day and day-of-week restrictions and commercial vehicle bans. This exemption does not include access to High-Occupancy Vehicle lanes, except as provided in § 913.2 of this section.

913.2 A fleet vehicle which has been certified by the Environmental Protection Agency as an ILEV, is operated by a covered fleet, and continues to be in compliance with applicable ILEV emission standards shall be exempt from High-Occupancy Vehicle lanes. This exemption shall not apply if, by regulation, it is determined that it would create a clear and direct safety hazard.

913.3 The exemptions provided under this section shall be available to covered fleet vehicles upon the adoption of this chapter.

913.4 Transportation control measure exemptions shall be subject to the following conditions:

- (a) The exemptions shall not be effective outside of the covered area;
- (b) The exemptions shall not be transferable among vehicles in the same fleet; and
- (c) Covered fleet operators may not buy, sell, or trade such exemptions.

913.5 The transportation control measure exemptions provided to covered fleet vehicles under this section shall remain in effect only if the subject vehicle is in compliance with the clean-fuel vehicle emission standards contained in this chapter.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 1-338) published at 41 DCR 7178, 7194 (November 4, 1994).

914 FINES AND PENALTIES

914.1 Each person who fails to comply with any of the provisions of this chapter, prevents any

inspection authorized by this chapter, or keeps inaccurate records shall be punished by a fine not to exceed five thousand dollars (\$5,000).

- 914.2 Each violation of, or failure to comply with, this chapter shall constitute a separate offense and the penalties described in § 914.1 shall be applicable to each separate offense.

SOURCE: Section 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D.C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7195 (November 4, 1994).

915 NATIONAL LOW EMISSION VEHICLE PROGRAM

- 915.1 For the duration of the District of Columbia's (District) participation in the National Low Emission Vehicles Program (NLEV), automobile manufacturers may comply with NLEV or equally stringent mandatory federal standards in lieu of compliance with any program, including any mandates for sales of zero emissions vehicles (ZEV mandate), adopted by the District pursuant to the authority provided in section 177 of the Clean Air Act (Section 177 Program) applicable to passenger cars, light-duty trucks up through six thousand (6,000) pounds GVWR, and/or medium-duty vehicles from six thousand and one (6,001) to fourteen thousand (14,000) pounds GVWR if designed to operate on gasoline.

- 915.2 The District's participation in NLEV extends until model year 2006, except as provided in 40 CFR 86.1707. If no later than December 15, 2000, the U.S. EPA does not adopt standards at least as stringent as the NLEV standards provided in 40 CFR part 86 subpart R that apply to new motor vehicles in model year 2004, 2005, or 2006, the District's participation in NLEV extends only until model year 2004, except as provided in 40 CFR 86.1707.

SOURCE: Final Rulemaking published at 47 DCR 886 (February 11, 2000).

916 HEAVY DUTY DIESEL ENGINE EMISSION STANDARDS

- 916.1 This section shall apply to new heavy duty diesel engines produced for the 2005 and 2006 model years, and to heavy duty vehicles containing new heavy duty diesel engines produced for the 2005 and 2006 model years, pursuant to the authority provided in section 177 of the Clean Air Act (Section 177 Program).
- 916.2 No heavy duty vehicle equipped with a 2005 or 2006 model year heavy duty diesel engine ("HDDE") may be registered in the District unless the applicant presents documentation showing that the California Air Resources Board ("CARB") has issued an Executive Order for the engine, certifying that the engine complies with the applicable exhaust emission standards under Title 13, section 1956.8 of the California Code of Regulations ("CCR"), as in effect on January 1, 2001. No person who is a resident of the District, or who operates an established place of business within the District, shall sell, lease, rent, import, deliver, lease, purchase, acquire, or receive in the District, or offer for sale, lease, or rental in the District (or attempt or assist in any such prohibited action) any of the following types of motor vehicles or engines that are intended primarily for use or for registration in the District, unless the manufacturer of the engine has received an

Executive Order:

- (a) A 2005 or 2006 model year HDDE;
- (b) A new heavy duty vehicle equipped with a 2005 or 2006 model year HDDE; or
- (c) A heavy duty vehicle with a new 2005 or 2006 model year HDDE.

916.3 Notwithstanding the requirements of § 916.2, this section shall not apply to:

- (a) A model year 2005 or 2006 HDDE manufactured by an ultra-small volume manufacturer or intended for use in an urban bus;
- (b) An engine if, following a technology review, the CARB determines that it is inappropriate to require compliance for HDDE's of that particular model year and engine family;
- (c) A vehicle acquired by a resident of the District for the purpose of replacing a vehicle registered to the resident that was damaged or became inoperative beyond reasonable repair, or was stolen while out of the District; provided that the replacement vehicle is acquired outside the District at the time the previously owned vehicle was either damaged or became inoperative or was stolen;
- (d) A vehicle transferred by inheritance, or by a decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction;
- (e) A motor vehicle having a certificate of conformity issued pursuant to the Clean Air Act and originally registered in another state by a resident of that state who subsequently establishes residence in the District and who, upon registration of the vehicle in the District provides satisfactory evidence to the Department of Motor Vehicles of the previous residence and registration;
- (f) An emergency vehicle;
- (g) A military tactical vehicle or equipment; or
- (h) Any other vehicles exempted by the California Health and Safety Code, section 43656.

916.4 Any order or enforcement action taken by the CARB to correct noncompliance with any HDDE requirements adopted by the Board on December 8, 2000 shall be applicable to all engines and HDV's subject to this section, sold, leased, or rented, offered for sale, lease, or rental, or registered in the District, except where the manufacturer demonstrates to the Department of Health's satisfaction, within 21 days of issuance of the CARB action, that this action is not applicable to the engines or vehicles in the District.

916.5 Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to Title 13, sections 2113 through 2121 of the California Code of Regulations shall extend to all applicable engines and motor vehicles subject to this section sold, leased, or rented, offered for sale, lease, or rental, or registered in the District, except where the manufacturer demonstrates to the Department of Health's satisfaction, within 21 days of approval of the campaign by the CARB, that this campaign is not applicable to the engines or vehicles in the District.

SOURCE: Final Rulemaking published at 48 DCR 11130, 11130-11133 (December 7, 2001).

999 DEFINITIONS AND ABBREVIATIONS

999.1 The meanings ascribed to the definitions and abbreviations appearing in §§ 199.1 and 199.2 respectively of Chapter 1 shall apply to the terms and abbreviations in this chapter. In addition, when used in this chapter, the following terms shall have the meanings ascribed:

Alternative fuel - methanol, ethanol, or other alcohols (including any mixture of gasoline or other fuels containing eighty-five percent (85%) or more by volume of alcohol), natural gas, liquefied petroleum gas, propane, or electricity.

Alternative-fuel vehicle - a dedicated, flexible-fueled, bi-fueled, or dual-fueled vehicle that operates on an alternative fuel.

Bi-fuel vehicle - a motor vehicle that is equipped to operate on either a clean-burning alternative fuel or a conventional fuel, including gasoline or diesel fuel.

California Air Resources Board or CARB - the governmental body for the state of California that regulates air emissions.

Capable of being centrally fueled - a fleet, or that part of a fleet, consisting of vehicles that can be refueled one hundred percent (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.

Centrally fueled - a fleet, or that part of a fleet, consisting of vehicles that are fueled one hundred percent (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 under normal operations is garaged at a personal residence at night but that is centrally fueled one hundred percent (100%) of the time shall be considered to be centrally fueled for the purpose of this definition.

Clean Air Act - the Clean Air Act, approved December 17, 1963 (77 Stat. 392; 42 U.S.C. 7401 et seq.), as amended.

Clean fuel - any fuel, including methanol, ethanol, or other alcohols (including any mixture thereof containing eighty-five percent (85%) or more by volume of alcohol with gasoline or other fuel), reformulated gasoline, diesel, natural gas, liquefied petroleum gas, hydrogen, or power source (including electricity) used in a clean-fuel vehicle that complies with standards and requirements

applicable to such vehicle when using such fuel or power source.

Clean-fuel fleet vehicle or CFFV- a clean-fuel vehicle operated by a covered fleet operator.

Clean-fuel vehicle - a motor vehicle which has been certified to meet, for any model year, a set of emission standards that classifies it as a clean-fuel vehicle in accordance with this act.

Contract fueling - a fleet vehicle is required to be refueled at a service station or other facility with which the fleet operator has entered into a contract for such refueling purposes. Commercial fleet service cards which are provided to fleet operators by any leasing or vehicle management company do not constitute contract fueling.

Converted vehicle - a conventionally fueled vehicle that is converted to operate on a clean fuel in accordance with federal regulations and meets the emission standards set forth for that class of clean-fuel vehicle.

Covered area - any part of the District that is included in an ozone nonattainment area classified under subpart 2 of part D of title I of the Clean Air Act as serious, severe, or extreme based on data for the calendar years 1987, 1988, and 1989.

Covered fleet - any fleet of ten (10) or more covered fleet vehicles owned, operated, leased, used, maintained, or otherwise controlled by a person. The term “covered fleet” does not include motor vehicles exempt under this chapter.

Covered fleet operator - a person who operates a fleet of at least ten (10) covered fleet vehicles that is operated in the covered area.

Covered fleet vehicle - any motor vehicle which is in a vehicle class for which emission standards are applicable under this chapter and in a covered fleet which is centrally fueled or capable of being centrally fueled. The term “covered fleet vehicle” does not include motor vehicles exempt under this chapter.

Credit - a credit for the acquisition of a clean-fuel vehicle pursuant to § 246(f) of the Clean Air Act.

Dedicated vehicle - a vehicle that operates solely on a clean alternative fuel.

Dual-fuel vehicle - a motor vehicle that operates on two fuel sources.

Emergency vehicle - 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, including a rescue vehicle, fire truck, or ambulance.

Executive Order - a document issued by the California Air Resources Board certifying that a specified engine family or model year vehicle has met all applicable Title 13 CCR requirements for certification and sale in California.

Federal fleet - any fleet owned or operated by the United States government.

Flexible-fueled vehicle - a vehicle that is capable of operating on either or any combination of two (2) fuels.

Fuel provider - any person that provides fuel to a covered fleet.

Garaged under normal operations at a personal residence - 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. The vehicles are not considered to be capable of being centrally fueled and are exempt from the program unless they are, in fact, centrally fueled one hundred percent (100%) of the time.

Heavy duty diesel engine or HDDE - a diesel engine that is used to propel a motor vehicle with a GVWR of fourteen thousand and one pounds (14,001 lbs.) or greater.

Heavy duty vehicle or HDV – for the purposes of the Clean Fuel Fleet Vehicle Program, a vehicle weighing above eight thousand five hundred one pounds (8,501 lbs.) GVWR but below twenty-six thousand pounds (26,000 lbs.) GVWR. For the purposes of § 915 this term means a motor vehicle having a manufacturer's GVWR greater than six thousand pounds (6,000 lbs.), except passenger cars. For the purposes of section 916 this term means a motor vehicle with a GVWR of fourteen thousand and one pounds (14,001 lbs.) or greater powered by a diesel engine.

High-Occupancy Vehicle or HOV lanes - transportation control measures which restrict a vehicle's access to certain roadway lanes based on the number of occupants in the vehicle.

Inherently low emission vehicle or ILEV - any light-duty motor vehicle, light-duty truck, or heavy-duty vehicle that is certified as a low-emission vehicle pursuant to emission standards promulgated by the Environmental Protection Agency.

Law enforcement vehicle - any vehicle that is primarily operated by a civilian or military police officer or sheriff, enforcement agency of the federal government, state highway patrols, municipal law enforcement, or other similar law enforcement agency, and that is used for the purpose of law enforcement activities, including chase, apprehension, surveillance, or patrol of people engaged in, or potentially engaged in, unlawful activities.

Light duty truck or LDT - a truck weighing eight thousand five hundred pounds (8,500 lbs.) GVWR or less.

Light duty vehicle or LDV - a vehicle weighing eight thousand five hundred pounds (8,500 lbs.) GVWR or less.

Location - any building, structure, facility, or installation, that is owned or operated by a person, or is under the control of a person, 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. This definition is meant to encompass all of the facilities of the fleet operator in a single covered area, in their entirety. The term “location” is not meant to be interpreted narrowly, such as a single refueling pump.

Low-emission vehicle or LEV - a vehicle that meets the LEV emission standards promulgated under the Clean Air Act.

Model Year - the period between September 1st and August 31st of the proceeding calendar year.

Motor vehicle - any motor vehicle, as defined in § 1(a) of title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 (2001)).

New heavy duty vehicle - a motor vehicle or new motor vehicle engine, the equitable or legal title to which has never been transferred to the first person who in good faith purchases a new heavy duty vehicle or new heavy duty vehicle engine for a purpose other than resale.

Nonroad vehicle - a vehicle that is powered by a nonroad engine and that is not a motor vehicle, or a vehicle used solely for competition.

Partially covered fleet - any fleet that contains ten (10) or more covered fleet vehicles, but also contains exempt vehicles including law enforcement and emergency vehicles.

Person - an individual, partnership, corporation, association, or any agency, instrumentality, or department of any government.

Purchase or acquisition - includes a lease.

Qualified second market vehicle - a vehicle that:

- (a) Has been in use for at least eighteen (18) months, but not more than thirty-six (36) months;
- (b) Has fifty percent (50%) or more of its useful life remaining;
- (c) Is owned or operated by a private covered fleet operator that operates fleets in the District; or
- (d) Is a ULEV, ILEV, or ZEV.

Ultra low-emission vehicle or ULEV - a vehicle that is certified as meeting the ULEV emission standards promulgated under the Clean Air Act.

Ultra-small volume manufacturer - any manufacturer with California sales less than or equal to three hundred (300) new passenger cars, light duty trucks, medium duty vehicles, heavy duty vehicles and heavy duty engines per model year based on the average number of vehicles and engines sold by the manufacturer in the previous three consecutive model years.

Urban bus - a passenger-carrying vehicle powered by a heavy duty diesel engine, or of a type normally powered by a heavy duty diesel engine, with a load capacity of fifteen (15) or more passengers and intended primarily for intra-city operation as evidenced by the inclusion of at least one set of quick-operating entrance and exit doors and a fare collection box or some other fare capturing system and the absence of facilities for long-distance travel such as restrooms and large

luggage compartments.

Zero-emission vehicle or ZEV - a vehicle that is certified as meeting the ZEV emission standards promulgated under the Clean Air Act.

999.2 When used in this chapter, the following abbreviations shall have the meaning ascribed:

AFV - Alternative Fuel Vehicle
BHP-hr - Brake horse power-hour
CPFV - Clean Fuel Fleet Vehicle
CFF - Clean Fuel Fleet
g/mi - Grams per mile
GVWR - Gross Vehicle Weight Rating
EPA - Environmental Protection Agency
HDV - Heavy Duty Vehicle
HOV - High Occupancy Vehicle
ILEV - Inherently Low Emissions Vehicle
LDV - Light Duty Vehicle
LEV - Low Emission Vehicle
LDT - Light Duty Truck
LVW - Loaded Vehicle Weight
LW - Loaded Weight
MY - Model Year
NMHC - Non-Methane Hydrocarbon
NMOG - Non-Methane Organic Gas
NO_x - Nitrogen Oxides
OEM - Original Equipment Manufacture
TW - Total Weight
ULEV - Ultra Low Emission Vehicle
U.S. - United States
VIN - Vehicle Identification Number
WMATA - Washington Metropolitan Transit Authority
ZEV - Zero Emissions Vehicle

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 565, 648 (February 1, 1985); as amended by § 3(a) of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, D. C. Law 10-201 (D.C. Act 10-338) published at 41 DCR 7178, 7190 (November 4, 1994); and by Final Rulemaking published at 48 DCR 11130 (December 7, 2001).