

(i) That at the end of the model-year production, there is a net vehicle credit balance of zero or more with any credits obtained from averaging, trading, or banking.

(ii) It is recommended but not required that the source of the credits to be used to comply with the minimum sales requirements be stated. All such reports should include all credits involved in averaging, trading, or banking.

(3) During the model year, manufacturers must:

(i) Monitor projected versus actual production to be certain that compliance with the sales requirement is achieved at the end of the model year.

(ii) Provide the end of model year reports required under this subpart.

(iii) Maintain the records required under this subpart.

(4) Projected credits based on information supplied in the certification application may be used to obtain a certificate of conformity. However, any such credits may be revoked based on review of end-of-model year reports, follow-up audits, and any other verification steps deemed appropriate by the Administrator.

(5) Compliance under averaging, banking, and trading will be determined at the end of the model year.

(6) If EPA or the manufacturer determines that a reporting error occurred on an end-of-year report previously submitted to EPA under this section, the manufacturer's credits and credit calculations will be recalculated.

(i) If EPA review of a manufacturer's end-of-year report indicates an inadvertent credit shortfall, the manufacturer will be permitted to purchase the necessary credits to bring the credit balance to zero.

(ii) If within 90 days of receipt of the manufacturer's end-of-year report, EPA review determines a reporting error in the manufacturer's favor (i.e., resulting in a positive credit balance) or if the manufacturer discovers such an error within 90 days of EPA receipt of the end-of-year report, the credits will be restored for use by the manufacturer.

(e) *Averaging.* Averaging will only be allowed between clean-fuel vehicles under 8500 lbs gvwr.

(f) *Banking.* (1) *Credit deposits.* (i) Under this program, credits can be banked starting in the 1992 model year.

(ii) A manufacturer may bank credits only after the end of the model year and after EPA has reviewed its end-of-year report. During the model year and before submittal of the end-of-year report, credits originally designated in the certification process for banking will be considered reserved and may be redesignated for trading or averaging.

(2) *Credit withdraws.* (i) After being generated, banked/reserved credits shall be available for use and shall maintain their original value for an infinite period of time.

(ii) A manufacturer withdrawing banked credits shall indicate so during certification and in its credit reports.

(3) Banked credits may be used in averaging, trading, or in any combination thereof, during the certification period. Credits declared for banking from the previous model year but unreviewed by EPA may also be used. However, they may be revoked at a later time following EPA review of the end-of-year report or any subsequent audit actions.

(g) *Early credits.* Beginning in model year 1992 appropriate credits, as determined from the given credit table, will be given for the sale of vehicles certified to the clean-fuel vehicle standards for TLEVs, LEVs, ULEVs, and ZEVs, where appropriate. For LDVs and light LDTs (<6000 lbs GVWR), early credits can be earned from model year 1992 to the beginning of the Pilot Program sales requirements in 1996. For heavy LDTs (>6000 lbs GVWR), early credits can be earned from model years 1992 through 1997. The actual calculation of early credits shall not begin until model year 1996.

[57 FR 60046, Dec. 17, 1992, as amended at 61 FR 127, Jan. 3, 1996]

**§ 88.206-94 State opt-in for the California Pilot Test Program.**

(a) A state may opt into the Pilot program if it contains all or part of an ozone nonattainment area classified as serious, severe, or extreme under subpart D of Title I.

(b) A state may opt into the program by submitting SIP revisions that meet the requirements of this section.

(c) For a state that chooses to opt in, SIP provisions can not take effect until one year after the state has provided notice to of such provisions to motor vehicle manufacturers and fuel suppliers.

(d) A state that chooses to opt into the program can not require a sales or production mandate for CFVs or clean alternative fuels. States may not subject fuel or vehicle suppliers to penalties or sanctions for failing to produce or sell CFVs or clean alternative fuels.

(e) (1) A state's SIP may include incentives for the sale or use in such state of CFVs required in California by the Clean Fuel Fleet Program, and the use of clean alternative fuels required

to be made available in California by the California Pilot Program.

(2) Incentives may include:

(i) A registration fee on non-CFVs of at least 1 percent of the total cost of the vehicle. These fees shall be used to:

(A) Provide financial incentives to purchasers of CFVs and vehicle dealers who sell high volumes or high percentages of CFVs.

(B) Defray administrative costs of the incentive program.

(ii) Exemptions for CFVs from high occupancy vehicle or trip reduction requirements.

(iii) Preferences for CFVs in the use of existing parking places.

[59 FR 50078, Sept. 30, 1994]

TABLES TO SUBPART B OF PART 88

TABLE B-1—CREDIT TABLE FOR PHASE I VEHICLE EQUIVALENTS FOR LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS

TABLE B-1.1—CREDIT GENERATION: SELLING MORE CLEAN-FUEL VEHICLES THAN REQUIRED  
[Phase I: Effective Through 2000 Model-Year]

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr >3750 lvw ≤5750 lvw	LDT ≤6000 gvwr ≤3750 alvw	LDT ≤6000 gvwr >3750 alvw ≤5750 alvw	LDT ≤6000 gvwr >5750 alvw
TLEV .....	1.00	1.28	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
LEV .....	1.40	1.76	1.00	1.28	1.56
ULEV .....	1.68	2.16	1.40	1.76	2.18
ZEV .....	2.00	2.56	2.00	2.56	3.12

TABLE B-1.2—CREDIT GENERATION: SELLING MORE STRINGENT CLEAN FUEL VEHICLES

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr ≤3750 lvw ≤5750 lvw	LDT ≤6000 gvwr ≤3750 alvw	LDT >6000 gvwr >3750 alvw ≤5750 alvw	LDT ≤6000 gvwr ≤5750 alvw
TLEV .....	0.00	0.00	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
LEV .....	.40	.48	0.00	0.00	0.00
ULEV .....	.68	.88	.40	.48	.62
ZEV .....	1.00	1.28	1.00	1.28	1.56

TABLE B-1.3—CREDIT NEEDED IN LIEU OF SELLING CLEAN-FUEL VEHICLE

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr ≤3750 lvw ≤5750 lvw	LDT >6000 gvwr ≤3750 alvw	LDT >6000 gvwr >3750 alvw ≤5750 alvw	LDT >6000 gvwr >5750 alvw
TLEV .....	1.00	1.28	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
LEV .....	.....	.....	1.00	1.28	1.56

<sup>1</sup> There is no TLEV category for this vehicle class.

TABLE B-2—CREDIT TABLE FOR PHASE II: VEHICLE EQUIVALENTS FOR LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS

TABLE B-2.1—CREDIT GENERATION: SELLING MORE CLEAN-FUEL VEHICLES THAN REQUIRED  
[Phase II: effective 2001 and subsequent model-years]

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr ≤3750 lvw ≤5750 lvw	LDT ≤6000 gvwr ≤3750 alvw	LDT >6000 gvwr ≤3750 alvw ≤5750 alvw	LDT >6000 gvwr ≤5750 alvw
LEV .....	1.00	1.26	0.71	0.91	1.11
ULEV .....	1.20	1.54	1.00	1.26	1.56
ZEV .....	1.43	1.83	1.43	1.83	2.23

TABLE B-2.2—CREDIT GENERATION: SELLING MORE STRINGENT CLEAN-FUEL VEHICLES

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr ≤3750 lvw ≤5750 lvw	LDT ≤6000 gvwr ≤3750 alvw	LDT >6000 gvwr ≤3750 alvw ≤5750 alvw	LDT >6000 gvwr >5750 alvw
LEV .....	0.00	0.00	0.00	0.00	0.00
ULEV .....	.20	.28	.29	.34	.45
ZEV .....	.43	.57	.71	.91	1.11

TABLE B-2.3—CREDIT NEEDED IN LIEU OF SELLING CLEAN-FUEL VEHICLES

Vehicle emission category	LDV & LDT ≤6000 gvwr ≤3750 lvw	LDT ≤6000 gvwr >3750 lvw ≤5750 lvw	LDT >6000 gvwr ≤3750 alvw	LDT >6000 gvwr ≤3750 alvw ≤5750 alvw	LDT >6000 gvwr >5750 alvw
LEV .....	1.00	1.26	0.71	0.91	1.11

[59 FR 50079, Sept. 30, 1994]

**Subpart C—Clean-Fuel Fleet Program**

SOURCE: 58 FR 11901, Mar. 1, 1993, unless otherwise noted.

**§ 88.301-93 General applicability.**

(a) The requirements of this subpart apply to the following:

(1) State Implementation Plan revisions at 40 CFR part 52 made pursuant to sections 110 and 246 of the CAA (42 U.S.C. 7410 and 7586) hereafter referred to as the "SIP revision".

(2) All agencies, departments and instrumentalities of the United States that are subject to the fleet programs established by a state's SIP revision.

(b) The requirements of §§ 88.302-93, 88.303-93, 88.311-93, 88.312-93, and 88.313-93 of this part apply to fleets which voluntarily purchase and operate Inherently Low-Emission Vehicles (ILEVs).

(c) References in this subpart to engine families and emission control systems shall be deemed to refer to durability groups and test groups as applicable for manufacturers certifying new

light-duty vehicles and light-duty trucks under the provisions of 40 CFR part 86, subpart S.

[58 FR 11901, Mar. 1, 1993, as amended at 64 FR 23973, May 4, 1999]

**§ 88.302-93 Definitions.**

The definitions in 40 CFR part 86 of this chapter also apply to this subpart. The definitions in this section apply to this subpart.

*Combination heavy-duty vehicle* means a vehicle with a GVWR greater than 8,500 pounds (3,900 kilograms) which is comprised of a truck-tractor and one or more pieces of trailered equipment. The truck-tractor is a self-propelled motor vehicle built on one chassis which encompasses the engine, passenger compartment, and a means of coupling to a cargo carrying trailer(s). The truck-tractor itself is not designed to carry cargo.