

Clean Fueled Fleets

391-3-22-.01 Definitions

The following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules, the Act's definitions control; and provided that definitions within any subsequent rule or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof.

- (a) "Act" means O.C.G.A. § 12-9-1 et seq., as amended, "The Georgia Air Quality Act".
- (b) "Capable of Being Centrally Fueled" means a fleet, or that part of a fleet, consisting of vehicles that could be refueled 100 percent of the time at a location that is either:
 - 1. owned, operated, or controlled by the covered fleet operator; or
 - 2. under a contract fueling agreement with the covered fleet operator.

The fact that one or more vehicles in a fleet is/are not capable of being centrally fueled does not exempt an entire fleet from the program; those vehicles that are capable of being centrally fueled will count toward the 10-vehicle minimum fleet size threshold.

- (c) "CARB" means the California Air Resources Board.
- (d) "Centrally fueled" means a fleet or that part of a fleet consisting of vehicles that are fueled 100 percent of the time at a location that is either:
 - 1. owned, operated, or controlled by the covered fleet operator;
or
 - 2. under a contract fueling agreement with the covered fleet operator.

(e) "Clean fuel" means any fuel, including but not limited to methanol, ethanol or other alcohols (including any mixture thereof containing 85 percent or more by volume of such alcohol with gasoline or other fuel), reformulated gasoline, diesel, natural gas, liquefied petroleum gas (propane), hydrogen, or a blending of these fuels, or power source (including electricity) used in a clean fueled vehicle that complies with the standards and requirements applicable to such vehicle when using such fuel or power source.

(f) "Clean fueled vehicle" means a fleet vehicle which has been certified by EPA to meet, for any model year, a set of emission standards that classifies it as a low emission vehicle (LEV), ultra low emission vehicle (ULEV), or zero emission vehicle (ZEV). Electric vehicles whose drive trains are powered solely by electricity, provided said electricity is not provided by any on-board combustion device, shall be qualified as a ZEV without further certification.

(g) "Contract fueling" means an agreement under which a fleet vehicle is required to be refueled at a fuel provider facility with which the fleet operator has entered into a contract for such refueling purposes. This would include an exclusive refueling agreement that contractually requires the fleet operator to refuel at the fuel provider's location(s), has minimum purchase requirements, and provides the fleet operator with a discounted fuel price. A service card arrangement which is subscribed to by a fleet operator, which is offered on a general basis by a leasing company or fleet management service company, would not constitute contract fueling.

(h) "Converted vehicle" means a vehicle that is retro-fitted to use one of the alternative clean fuels and is certified by EPA to meet the emission standards set forth for that class of LEVs.

- (i) "Converter" means any person who manufactures or installs a conversion system on a vehicle in order to convert it to a clean fueled vehicle, meeting the emission standards for that clean fueled fleet vehicle category. NOTE: Manufacturers of conversion kits, as well as installers, are responsible for demonstrating that vehicles converted to clean fueled fleet vehicles have a configuration that complies with clean fueled fleet vehicle standards.
- (j) "Covered area" means an ozone nonattainment area with a 1980 population of 250,000 or more, classified as serious, severe, or extreme based on data for the calendar years 1987, 1988, and 1989.
- (k) "Covered fleet" means ten or more motor vehicles in vehicle classes for which standards are applicable under this rule that are operated by a single person. In determining the number of vehicles operated by a single person for purposes of this rule, all motor vehicles owned or operated, leased, or otherwise controlled by such person, by any person who controls such person, or by any person under common control with such person shall be treated as operated by such person.
- (l) "Covered fleet operator" means a person who operates a fleet of at least ten covered fleet vehicles and that fleet is operated in a single covered area, even if the covered fleet vehicles are garaged outside the covered area, and is centrally fueled or capable of being centrally fueled.
- (m) "Covered fleet vehicle" means a motor vehicle that is in a vehicle class for which standards are applicable under this chapter and is part of a covered fleet that is centrally fueled or capable of being centrally fueled. Vehicles that are exempt under Rule 391-3-22-.04 are not covered fleet vehicles.
- (n) "Dedicated fuel vehicle" means a vehicle that operates on only one fuel. (For example: a dedicated fuel vehicle could be a vehicle operated solely on compressed natural gas (CNG) rather than CNG and gasoline.)
- (o) "Dual fuel vehicle" means a vehicle that operates on two different fuel sources that are stored in separate containers on the vehicle. The vehicle does not blend the fuels but uses one at a time. (For example: A vehicle that can operate on either gasoline or CNG has a gasoline tank and a pressurized CNG cylinder(s) on the vehicle. Either fuel can be accessed while the vehicle is in operation.)
- (p) "Emergency vehicle" 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.
- (q) "EPA" means the U. S. Environmental Protection Agency.
- (r) "Environmental Protection Division (EPD)" means the Environmental Protection Division of the Department of Natural Resources for the State of Georgia.
- (s) "Fleet operator" means a person who operates a fleet of at least 10 or more fleet vehicles and that fleet is operated in a single covered area, even if the fleet vehicles are garaged outside the covered area.
- (t) "Flexible (Flex) fuel vehicle" means a vehicle that can operate on more than one type of fuel. The different fuels can be stored in the same storage container on a vehicle. (For example: One type of flex fuel vehicle can operate on pure alcohol, blends of alcohol and gasoline, or pure gasoline, and each type of fuel utilizes the same storage tank on the vehicle.)
- (u) "Fuel provider" means a facility that provides refueling services to the general public and/or fleets.
- (v) "Heavy Duty Vehicle (HDV)" means a vehicle that has a gross vehicle weight rating (GVWR) greater than 8500 pounds.

(w) "Inherently low emission vehicle (ILEV)" means any LDV or LDT conforming to the applicable inherently low emission vehicle emission standards, or any HDV with an engine conforming to the applicable inherently low emission vehicle emission standards. No dual fuel or flexible fuel vehicles shall be considered ILEVs unless they are certified to the ILEV applicable standard(s) on all fuel types for which they are designed to operate. ILEVs must meet the LEV emission standards and the ULEV NO_x standards except heavy duty vehicles which must meet the heavy duty ULEV clean fuel vehicle standards.

(x) "Law Enforcement Vehicle" means any vehicle that is primarily operated by a civilian or military police officer or sheriff or enforcement agencies of the federal government, by state highway patrols, municipal law enforcement, or by 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 or potentially engaged in unlawful activities.

(y) "Lease" means the use and control of a motor vehicle for transportation purposes pursuant to a rental contract or similar arrangement with a term of 120 days or more.

(z) "Light Duty Truck (LDT)" means a truck that has a GVWR of 8500 pounds or less.

(aa) "Light Duty Vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

(bb) "Light Heavy Duty Vehicle (LHDV)" means a subclass of heavy duty vehicles that have a GVWR between 8,501 and 19,500 pounds.

(cc) "Location" means 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.

(dd) "Low emission vehicle (LEV)" means a vehicle that meets the LEV emission standards. This is the base vehicle that is required to meet the clean fueled fleet program requirements.

(ee) "Medium Heavy Duty Vehicle (MHDV)" means a subclass of heavy duty vehicles that have a GVWR between 19,501 and 26,000 pounds.

(ff) "Model year" means, for the purpose of fleet purchase requirements, the time frame encompassed by the period September 1 through August 31. (Example: September 1, 1996 through August 31, 1997, is the model year 1997.)

(gg) "Motor vehicle" means any self-propelled vehicle designed and licensed for transporting persons or property on a street or highway.

(hh) "Noncovered vehicle" means any vehicle that is exempted from this chapter.

(ii) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine or that is not a motor vehicle, or a vehicle used solely for competition.

(jj) "Operate in" means for the purpose of this chapter a covered fleet vehicle that travels fifty (50) percent or more of its total annual miles within the covered area specified in Rule 391-3-22-.02. The total annual miles shall be those traveled from January 1 through December 31 of any calendar year.

(kk) "Operational range" means the distance a vehicle is able to travel on a round trip with a single refueling.

(ll) "Partially covered fleet" means any fleet that contains 10 or more covered vehicles, but also contains

noncovered (exempt) vehicles (for example, law enforcement and emergency vehicles).

(mm) "Person" means any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States, or any other entity, and includes any office, agent, or employee of any of the above.

(nn) "Purchase" means to buy, lease, re-locate to the covered area, or otherwise acquire possession or control of a motor vehicle or noncovered vehicle, excluding:

1. a vehicle manufactured before the start of the fleet program for such a vehicle's weight class;
2. a vehicle transferred due to the purchase of a company not previously controlled by the purchaser or due to a consolidation of business operations;
3. a vehicle transferred as part of an employee transfer; and
4. a vehicle transferred for seasonal requirements of a period of less than 120 days.

(oo) "Ultra low emission vehicle (ULEV)" means a vehicle that meets the ULEV standards. This vehicle qualifies for credits.

(pp) "Vehicles that are garaged at a personal residence" means a vehicle that, when it is not in use, is normally parked at the residence of the individual who usually operates it, rather than at a central refueling, maintenance, and/or business location. Such vehicles are not considered to be capable of being centrally fueled unless they are, in fact, centrally fueled at least 95 percent of the time in any one given model year.

(qq) "Zero emission vehicle (ZEV)" means a vehicle that meets the more stringent ZEV emissions standards. This vehicle has zero tailpipe and evaporative emissions.

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391-3-22-.02 Covered Area

The requirements of this chapter apply to motor vehicles operated in the following designated counties:

Cherokee	Fulton
Clayton	Forsyth
Cobb	Gwinnett
Coweta	Henry
DeKalb	Paulding
Douglas	Rockdale
Fayette	

Authority, O.C.G.A. § 12-9-1, et seq., as amended.

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391-3-22-.03 Covered Fleet Operators

The requirements of this chapter apply to private fleet operators, federal, state, or county agencies, municipalities, and other political subdivisions that own, lease or control 10 or more covered fleet vehicles which are operated in any one or more of the covered counties and are centrally fueled or capable of being centrally fueled in the covered area.

Authority, O.C.G.A. § 12-9-1, et seq., as amended.

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391-3-22-.04 Covered Fleet Vehicles; Exemptions

- (1) Three vehicle classes are covered by this chapter:
 - (a) light duty vehicles and trucks (LDVs and LDTs) under 6000 lbs GVWR (gross vehicle weight rate);
 - (b) light duty trucks between 6000 lbs and 8500 lbs GVWR; and
 - (c) heavy duty vehicles (HDVs) over 8500 lbs GVWR but under 26,001 lbs GVWR.
- (2) Vehicles must be centrally fueled or capable of being centrally fueled.
- (3) Certain fleet vehicles shall be exempted from the requirements of this chapter:
 - (a) motor vehicles held for lease or rental to the general public;
 - (b) dealer demonstration vehicles that are used 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 purchasers to drive the vehicle for pre-purchase or pre-lease evaluation;
 - (c) emergency vehicles;
 - (d) law enforcement vehicles;
 - (e) nonroad vehicles;
 - (f) vehicles that are garaged at a personal residence and are not being centrally fueled;
 - (g) vehicles used for motor vehicle manufacturer product evaluations and tests;
 - (h) any vehicle with a GVWR greater than 26,000 lbs;
 - (i) vehicles in fleets with less than 10 covered vehicles; and
 - (j) vehicles that are not operated in the covered area.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

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391-3-22-.05 Determination of Capable of Being Centrally Fueled

The determination of whether a fleet is capable of being centrally fueled will be based on the refueling patterns for that portion of the fleet consisting of nonexempt vehicles that are not centrally fueled 100 percent of the time, excluding those vehicles that are garaged normally at a personal residence. Only those fleet operators that have ten or more vehicles which are not specifically exempted in Rule 391-3-22-.04 and are claimed not to be currently centrally fueled are required to determine the number of nonexempt noncentrally fueled fleet vehicles that are capable of being centrally fueled. If a covered fleet operator claims that all nonexempt vehicles in his/her fleet are centrally fueled 100 percent of the time and that all new fleet vehicle purchases shall be centrally fueled 100 percent of the time, he/she shall not have to make the determination set forth in this rule. The determination for calculating the number of vehicles that are capable of being centrally fueled shall be used as part of the criteria to determine whether a fleet operator is a covered fleet operator and the portion of newly purchased fleet vehicles covered by the requirements of this chapter.

- (a) Fleet operators shall determine the number of nonexempt vehicles, excluding vehicles that are centrally fueled 100 percent of the time and are not garaged normally at a personal residence, that are capable of being centrally fueled if
 1. the fleet operator already owns, operates, or controls a location that contains central fueling facility(ies) or has an arrangement for contract fueling, but some fleet vehicles are not refueled at those facilities 100 percent of the time; or
 2. the fleet operator does not currently own, operate, or control central fueling facilities or does not have an arrangement for contract fueling.

- (b) When a fleet operator already owns, operates, or controls central fueling facility(ies) or has an arrangement for contract fueling, the portion of the fleet operated in the covered area that is capable of being centrally fueled 100 percent of the time is equal to the ratio of the number of miles from trips that are capable of being centrally fueled to the total number of miles travelled by that portion of the fleet, averaged over nonexempt vehicles that are not centrally fueled and not garaged at a personal residence. For the purpose of this determination, miles from trips that could be centrally fueled are those miles from trips that would not require a vehicle to travel outside of its operational range. The operational range shall be no less than 50% of the average range of the existing fleet. The aforementioned ratio in this rule shall be based on a sample trip profile for the nonexempt portion of the fleet not centrally fueled or garaged at a personal residence. The sample trip profile and calculation of ratio shall be developed as follows.

1. The fleet operator shall choose at least two, but not more than four, noncontiguous weeks during the year or two preceding the 1999 model year.
2. Each of the sample weeks shall represent the normal travel patterns for the fleet and should consist of seven contiguous days unless the normal days of operation are less than seven in which case trips would not be recorded on days the fleet was not in operation.
3. The first day of the first week and the last day of the last week shall not be more than 365 days apart.
4. A fleet sample shall be chosen from the nonexempt fleet vehicles operated in the covered area that are not centrally fueled and are not garaged at a personal residence.
5. The sample fleet shall consist of 5 vehicles for fleets with up to 20 nonexempt, noncentrally fueled vehicles that are not garaged at a personal residence and at least 30 percent of the same type of nonexempt vehicles for fleets with 21 or more such vehicles, rounded up to the closest integer value.
6. During each of the sample weeks, detailed travel logs will be kept for each sample vehicle. Those travel logs shall contain information about the trips taken by each of the sample vehicles including, but not limited to, the originating point of each trip and, for each destination point the vehicle visits before returning to the place of origination, the street address of the destination point and the odometer reading of the vehicle at that point. The originating point is assumed to be the location of the fleet's central fueling facility(ies). Each time the vehicle leaves the originating point, it is beginning a new trip.
7. The sample fleet shall be representative of the entire nonexempt fleet that is not centrally fueled or garaged at a personal residence.
8. One of two methods shall be used to calculate the ratio of noncentrally fueled covered fleet vehicles in a covered fleet that are capable of being centrally fueled.

- (i) The fleet operator shall tabulate the miles the vehicle travels on each trip, in the order they were driven, until the total miles, from the point of origination, equals one-half of the operational range of the vehicle. These represent the miles that are capable of being centrally fueled. These miles are summed over all trips made by a sample vehicle for the sample week. The total number of miles driven for that sample vehicle during the sample week are summed, and the total number of miles that are capable of being centrally fueled are divided by the total number of miles driven to determine the ratio of miles from trips that are capable of being centrally fueled to total miles for that sample vehicle. The ratio of the number of miles from trips that are capable of being centrally fueled to the total number of miles travelled for the entire covered noncentrally fueled fleet of vehicles that are not garaged at a personal residence is calculated by averaging the ratios for each sample vehicle for an entire sample week and then taking an average ratio over the sample weeks.
 - (ii) The fleet operator shall calculate the number of miles travelled within the operational range after the trips for the sample week are completed, based on a reasonable algorithm approved by the Environmental Protection Division, for the destinations and fleet trips involved. The vehicle driver shall keep a record of the destinations visited, on a trip basis, and in the order in which they were made. The fleet operator may select his/her own algorithm, subject to review by the Environmental Protection Division.
- 9. To determine the number of covered fleet vehicles, excluding those that are centrally fueled or garaged at a personal residence, that are capable of being centrally fueled, the fleet operator shall multiply the average ratio over the sample weeks by the number of nonexempt vehicles that are not centrally fueled and are not garaged at a personal residence.
- (c) When a fleet operator does not own, operate, or control a central fueling facility(ies), or is not under contract with a fuel provider, the determination of the number of miles from trips that are capable of being centrally fueled would be based on trips that would not require the vehicle to travel outside of its operational range, using as the originating point the fleet's operating facility or, in the case where the fleet operates from more than one facility, the point of departure for the sample fleet vehicle for each trip. Again the operational range shall be no less than 50 percent of the average range of the existing fleet. The fleet operator shall calculate the ratio of the number of miles from trips covered noncentrally fueled fleet vehicles, not garaged at a personal residence, that are capable of being centrally fueled to the total miles driven by such fleet vehicles, basing the calculation on information about the fleet trip profile accumulated in the same way as described above for fleets operated in covered area that have central fueling facilities, either explicitly tabulating vehicle mileage or by using an algorithm. The fleet operator may select his or her own algorithm, subject to review by the Environmental Protection Division. This method shall also require the vehicle driver to keep a record of the destinations visited, on a trip basis, and in the order in which they were made.

- (d) The following rounding convention shall apply when calculating the number of vehicles in a fleet that are capable of being centrally fueled. When the calculated percentage of a fleet operator's vehicles for this determination is not a whole number, the number will be rounded down to the closest integer value.

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391-3-22-.06 Purchase Requirements

(1) Covered fleet operators shall comply with the purchase requirements set forth in this chapter. These requirements may be met by purchasing clean fueled vehicles, converting existing vehicles to clean fueled vehicles, and/or using purchase credits. Covered fleet operators shall not be required to convert vehicles to comply with these purchase requirements.

(2) For covered fleet operators, newly purchased clean fueled vehicles shall count toward compliance with the purchase requirements. The following percentages of covered fleet vehicles that are purchased for the purpose of expanding a covered fleet or replacing covered fleet vehicles shall be clean fueled vehicles:

- (a) 30 percent of all LDVs and LDTs up to 8500 lbs GVWR and 50 percent of HDVs above 8500 lbs GVWR purchased in the 1999 model year;
- (b) 50 percent of all LDVs, LDTs, and HDVs purchased in the 2000 model year; and
- (c) 70 percent of all LDVs and LDTs and 50 percent of all HDV's purchased in the model year 2001 and thereafter.

(3) Converted vehicles shall count toward compliance with the purchase requirements. Flex-fuel and dual fuel vehicles that operate on at least one clean fuel shall be considered a clean fueled vehicle if the emissions from the clean fuel meet or are lower than the standards for a low emission vehicle and if the flex-fuel or dual fuel vehicle operates on the clean fuel 100 percent of the time that it operates in any of the covered counties, excluding that time not operated on a clean fuel in accordance with the manufacturer's recommended maintenance procedures.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

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391-3-22-.07 Emission Standards

- (1) For vehicles to be classified as clean fuel vehicles for the purposes of meeting the requirements of this chapter, they must be certified to the emission standards for their respective vehicle class and category. Vehicles that have flex-fuel or dual fuel capabilities must be certified to meet the emission standards on at least one clean fuel and must operate on that fuel 100 percent of the time in the covered counties. The emission standards tables are found in paragraph (2) of this rule.
- (2) The following tables list the emission standards for LDVs, LDTs, and HDVs. Part I is a 50,000 mile standard, and part II is a 100,000 mile standard for LDVs and LDTs with GVWR less than or equal to 6,000 pounds and a 120,000 mile standard for LDTs with GVWR greater than 6,000 pounds:

Table A. Phase II emissions standards {grams/mile (g/mi)} for light duty vehicles and light duty trucks.

Part	LDVs, LDTs ≤6000 lbs GVWR ≤3750 lbs TW		LDTs ≤6000 lbs GVWR >3750 lbs TW ≤5750 lbs TW		LDTs >6000 lbs GVWR ≤3750 lbs TW		LDTs >6000 lbs GVWR >3750 lbs TW ≤5750 lbs TW		LDTs >6000 lbs GVWR >5750 lbs TW ≤8500 lbs TW	
	I	II	I	II	I	II	I	II	I	II
LEV:										
NMOG	0.075	0.09	0.100	0.130	0.125	0.180	0.160	0.23	0.195	0.280
CO	3.4	4.2	4.4	5.5	3.4	5.0	4.4	6.4	5.0	7.3
NO _x	0.2	0.3	0.4	0.5	0.4	0.6 ²	0.7	1.0 ²	1.1	1.5 ²
PM ¹	0.08	0.08	0.08	0.08	....	0.08	....	0.10	....	0.12
HCHO	0.015	0.018	0.018	0.023	0.015	0.022	0.018	0.027	0.022	0.032
ULEV:										
NMOG	0.040	0.055	0.050	0.07	0.075	0.107	0.100	0.143	0.117	0.167
CO	1.7	2.1	2.2	2.8	1.7	2.5	2.2	3.2	2.5	3.7
NO _x	0.2	0.3	0.4	0.5	0.2	0.3 ²	0.4	0.5 ²	0.6	0.8 ²
PM ¹	0.08	0.04	0.08	0.04	....	0.04	....	0.05	....	0.06
HCHO	0.008	0.011	0.009	0.013	0.008	0.012	0.009	0.013	0.011	0.016
ZEV:										
All of the Above	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

¹ Applies to diesel vehicles

² Does not apply to diesel vehicles

Table B. Emissions standards {grams/brake horsepower - hour (g/BHP-hour)} for heavy duty trucks

	Light HDV 8,501 - 19,500 lbs GVWR	Medium HDV 19,501 - 26,000 lbs GVWR	Heavy DV (Single Unit) > 26,000 lbs GVWR
LEV: NMHC + NO _x CO	3.8 15.5	3.8 15.5	3.8 15.5
ULEV: NMHC + NO _x CO PM HCHO	2.50 7.2 0.05 0.05	2.50 7.20 0.05 0.05	2.50 7.2 0.05 0.05
ZEV: All of the Above	0.0	0.0	0.0

Authority, O.C.G.A. § 12-9-1 et seq., as amended

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391-3-22-.08 Credit Program

(1) Purchase Credit Program

(a) The following are general provisions for the purchase credit program:

1. Purchase credits shall be generated only if a fleet operator purchases;
2. Purchase credits may be used in lieu of purchasing clean fueled vehicles to meet the purchase requirements;
3. Conversions to clean fueled vehicles shall earn credit in the same manner as other purchased clean fueled vehicles as long as the conversion equipment is certified by EPA to meet the emission standards for a clean fuel vehicle on the vehicle on which it is installed;
4. All clean fueled vehicles must meet the applicable emission standards, must be operated in the covered counties, and must meet all other requirements set forth in this chapter to be eligible to receive purchase credits;
5. A fleet operator who purchases clean-fueled fleet vehicles only to generate credit shall be subject to the same requirements as a covered fleet operator who purchases clean fueled vehicles to demonstrate compliance with covered fleet purchase requirements;
6. Fleet operators that operate flex-fuel or dual fuel vehicles may receive purchase credits based on the emissions of the cleanest fuel;
7. Fleet operators that have received purchase credits for flex-fuel and dual fuel vehicles shall operate these vehicles only on the fuel in which the purchase credit was given while operated in any of the covered counties, excluding that time not operated on a clean fuel in accordance with the manufacturer's recommended maintenance procedures;
8. Purchase credits shall be generated only by those vehicles allowed to generate credits in the fleet program as determined in this rule, and all fleets covered by the requirements of this chapter shall be permitted to participate in the purchase credit program;
9. Purchase credits shall be traded or used only in the covered area established by this chapter;
10. Trading of purchase credits is allowed between all subclasses of light duty vehicles and light duty trucks, but no trading is allowed between the heavy duty classes and the light duty classes;
11. Trading of purchase credits allowed between heavy duty vehicle subclasses only if the credits to be traded are for the same subclass or a lighter heavy duty subclass (Example: a medium heavy duty purchase credit could be used to meet the purchase requirement of a light or medium heavy duty vehicle; however, a light heavy duty purchase credit could be used only to meet the purchase requirements of a light heavy duty vehicle and not a medium heavy duty vehicle.);
12. The credits generated for the clean fueled fleet program shall only be used to comply with purchase requirements for this program and cannot be used to offset emission requirements in any other programs;
13. Clean fueled vehicles that are used to meet purchase requirements or to generate purchase credits shall not be allowed to be sold or traded in the model year in which the vehicle was originally purchased to satisfy additional purchase requirements or generate additional purchase credits for any

other fleet operator; and

14. Fleet vehicles that have been converted to a clean fuel to meet the purchase requirements or to generate purchase credits shall be removed from the fleet if the conversion equipment is to be reused to convert another vehicle for the purpose of satisfying the purchase requirements or to generate purchase credits.

(b) The conditions for generating credit in the Purchase Credit Program are listed below.

1. Clean fueled vehicles shall receive purchase credits from the Georgia Environmental Protection Division (EPD) to the fleet operator for any of the following qualifying purchases:

(i) purchase of clean fueled vehicles after January 1, 1993 and before the required acquisition date;

(ii) purchase of clean fueled vehicles in excess of the required percentage of new covered acquisitions;

(iii) purchase of clean fueled vehicles that meet more stringent standards than required in this chapter (ULEVs and ZEVs);

(iv) purchase of clean fueled vehicles in an exempt vehicle category by the owner/operator of a covered or partially covered fleet; or

(v) purchase of clean fueled vehicles by a noncovered fleet operator.

2. Credit values shall be calculated to two decimal places.

3. Credits generated by the purchase of a qualifying clean fueled fleet light duty vehicle or light duty truck shall be designated at the time of issuance as light duty clean fueled fleet vehicle credits.

4. Credits generated by the purchase of a qualifying clean fueled fleet heavy duty vehicle shall be designated at the time of issuance as heavy-duty clean fueled vehicle credits.

5. Credits generated by the purchase of a light heavy duty or a medium heavy duty qualifying clean fueled fleet vehicle shall be designated at the time of issuance as light heavy duty or medium heavy duty credits, respectively.

(c) The exact amount of credit for each clean fueled vehicle that satisfies one of the conditions listed above shall be governed by the values listed in the tables below except that EPD may grant credit for purchase of a clean fueled vehicle in an exempt vehicle category. The following tables are based on reductions in NMOG and NOx emissions:

Table C. Purchase credits for light duty clean fueled vehicles that are acquired early or in excess of the requirements of this chapter.

NMOG and NOx emission	LDV,LDT ≤6000 GVWR, ≤3750 LVW	LDT≤6000 GVWR, >3750 LVW≤5750 LVW	LDT>6000 GVWR, ≤3750 TW	LDT>6000 GVWR, >3750 TW ≤5750 TW	LDT>6000 GVWR, >5750 TW
Low Emission Vehicle	1.00	1.39	0.33	0.43	0.52
Ultra-Low Emission Vehicle	1.09	1.52	1.00	1.39	2.06
Zero Emission Vehicle	1.73	2.72	1.73	2.72	3.97

Table D. Purchase credits for ultra-low or zero emissions light duty vehicles that are acquired to meet the requirements of this chapter.

NMOG and NOx emission	LDV,LDT ≤6000 GVWR, ≤3750 LVW	LDT≤6000 GVWR, >3750 LVW≤5750 LVW	LDT>6000 GVWR, ≤3750 TW	LDT>6000 GVWR, >3750 TW ≤5750 TW	LDT>6000 GVWR, >5750 TW
Ultra-Low Emission Vehicle	0.09	0.13	0.67	0.96	1.54
Zero Emission Vehicle	0.73	1.34	1.40	2.29	3.45

Table E. Purchase credits needed in lieu of acquiring a light duty clean fueled vehicle to meet the requirements of this chapter.

NMOG and NOx emission	LDV,LDT ≤6000 GVWR, ≤3750 LVW	LDT≤6000 GVWR, >3750 LVW≤5750 LVW	LDT>6000 GVWR, ≤3750 TW	LDT>6000 GVWR, >3750 TW ≤5750 TW	LDT>6000 GVWR, >5750 TW
Low Emission Vehicle	1.00	1.39	0.33	0.43	0.52

Table F. Purchase credits for heavy duty clean fueled vehicles that are acquired early or in excess of the requirements of this chapter.

NMHC and NOx	Light HDV	Medium HDV	Heavy HDV
Low Emission Vehicle	1.00	1.00	1.00
Ultra-Low Emission Vehicles	1.87	1.87	1.87
Zero Emission Vehicle	3.53	3.53	3.53

Table G. Purchase credits for heavy duty clean fueled vehicles to meet the mandate.

NMHC and NOx	Light HDV	Medium HDV
Low Emission Vehicle	0.00	0.00
Ultra-Low Emission Vehicles	0.87	0.87
Zero Emission Vehicle	2.53	2.53

Table H. Purchase credits needed in lieu of purchasing a heavy duty clean fueled vehicle to meet the requirements of this chapter.

NMHC and NOx	Light HDV	Medium HDV
Low Emission Vehicle	1.00	1.00

- (d) The conditions for the use of purchase credits for the Purchase Credit Program are listed below.
1. All credits generated in accordance with this chapter may be freely traded or banked for later use, subject to the provisions in this Subchapter , without discount or depreciation.
 2. The EPD shall establish a database to store the number of credits owned by fleet operators.
 3. If a fleet operator wishes to trade purchase credits, EPD must be contacted and informed of the number of credits that is desired to be traded.
 4. A covered fleet operator shall inform the EPD in an annual report the total number of purchase credits to be used in lieu of purchasing a vehicle to meet the requirements.

5. Purchase credits earned within the boundaries of a covered nonattainment area may be traded within those boundaries whether or not that area encompasses parts of more than one state.
6. Purchase credits earned by fleet operators located outside the covered area may not be used for compliance by a covered fleet operator.
7. Purchase credits issued in one nonattainment area may not be used to demonstrate compliance by a covered fleet operator in another nonattainment area.
8. The following conditions apply for trading, banking, or using purchase credits in the various weight classes and subclasses:
 - (i) credits generated by the purchase of LDVs and LDTs may be used to demonstrate compliance with covered fleet purchase requirements applicable to LDVs or LDTs;
 - (ii) credits generated by the purchase of vehicles of more than 8500 pounds GVWR may not be used to demonstrate compliance with requirements for vehicles weighing 8500 pounds GVWR or less;
 - (iii) credits generated by the purchase of vehicles of 8500 pounds GVWR or less may not be used to demonstrate compliance with requirements for vehicles of more than 8500 pounds GVWR;
 - (iv) 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, but 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; and
 - (v) credits generated by the purchase of a HDV weighing in excess of 26,000 pounds may be used to demonstrate compliance for HDVs of any subclass.

(2) Record keeping and Reporting Requirements

- (a) Non-covered fleet operators possessing 10 or more motor vehicles shall report the number of vehicles in their fleet by March 1, 1998 to the Environmental Protection Division.
- (b) Covered fleet operators shall initially register all of their motor vehicles by March 1, 1998 with the EPD.
- (c) Covered fleet operators which desire to obtain early purchase credits shall initially register their fleet, documenting the purchase of the clean fueled vehicle(s) before August 31, 1998.
- (d) Non-covered fleet operators which desire to obtain purchase credits shall send an initial report to the EPD within ninety days of the purchase of the clean fueled vehicle(s) or prior to the end of the model year for which the vehicle is acquired, whichever is later.
- (e) Covered fleet operators shall submit an annual report for the activities of each model year with the report due on March 1 of the calendar year after the model year. (Examples: annual report for the 1999 model year is due March 1, 2000)
- (f) Non-covered fleet operators shall, upon request by EPD, provide information needed to verify that their fleet is not covered.

(g) Those fleets which become covered after the effective date of this chapter because of an increase in fleet size, obtaining central fueling capabilities, and/or change of operation pattern shall register all vehicles in their fleet with the EPD within ninety days of attaining covered fleet status.

(h) Accurate records shall be maintained by covered fleet operators to verify compliance with the requirements of this chapter. All records shall be kept for the current year of the vehicle plus the previous two years for the purposes of providing the state with a report of the previous years' activities and for compliance audits by EPD personnel.

(i) The annual report shall include the following information:

1. the total number of covered and exempt motor vehicles in the fleet, identified by type, weight class and fuel type, whether dual, flex or dedicated fueled;
2. for dual or flex fuel vehicles, the yearly miles per vehicle, actual miles operated in the covered area if the vehicle also operates on a fuel that is not a clean fuel or the vehicle operates on two or more fuels that certify the vehicle at different standards, and yearly fuel usage on all fuels per vehicle;
3. identification of exempt vehicles purchased as clean fueled vehicles to generate purchase credits, by type, yearly miles operated in the covered area if the vehicle operates on a fuel that is not a clean fuel or the vehicle operates on two or more fuels that certify the vehicle at different standards, and yearly fuel usage per vehicle;
4. total number of motor vehicles purchased in the reporting year, by type and by model year, with documentation of exempt status for newly purchased exempt motor vehicles; and
5. clean fueled certification for all clean fueled vehicles purchased, the number of credits that have been accumulated, the credit market activities (traded, sold, or purchased) from the previous year, and any other information deemed appropriate for verification of compliance with the clean fueled fleet program.

(j) The following records shall be maintained for compliance audit purposes:

1. information required in the annual report;
2. information required under subparagraph (h) of this paragraph;
3. monthly odometer readings and fuel usage for dual fuel or flex-fuel vehicles;
4. all records shall be maintained at a location within the covered area for those who reside inside the covered area or for those operators who reside outside the covered area at a site agreed to by the fleet operator and the EPD. The records shall be available for inspection during reasonable business hours.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF DECEMBER 2, 1999.

Date Submitted	Date Approved	Federal
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	to EPA	by EPA	Register
Original Reg:	MAY 05, 1994	DEC 21, 1995	60 FR 66150
1st Revision	JUL 10, 1998	DEC 02, 1999	64 FR 67491

391-3-22-.09 Transportation Control Measures

- (1) Clean fueled fleet vehicles that meet the requirements of this chapter shall receive exemptions from certain transportation control measures (TCMs) should the state of Georgia adopt any before or after the approval of this chapter of the state implementation plan. Covered fleet operators shall be allowed to receive purchase credits and TCM exemptions for the same vehicle. Clean fueled vehicles shall be exempted from the following TCMs:
 - (a) time of day restrictions;
 - (b) day of the week or day of the month restrictions; and
 - (c) other similar time-based restrictions.

- (2) Fleet vehicles that are certified to be inherently low emission vehicles (ILEVs), as well as receiving purchase credits or complying with purchase requirements, shall be exempted from the TCMs listed above and from the following TCMs should any of the TCMs contained in this rule be adopted by the state of Georgia:
 - (a) mechanisms designed to reduce air pollution from motor vehicles by limiting their use in certain areas (air quality pricing);
 - (b) air quality related parking restrictions; and
 - (c) high occupancy vehicle lane restrictions.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

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391-3-22-.10 Requirements For Fuel Providers

Fuel providers are required to make clean alternative fuels available to covered fleet operators at locations at which covered fleet vehicles are centrally fueled upon EPD's decision that the availability of clean fuels is not sufficient for covered fleet operators to meet the requirements of this chapter.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

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391-3-22-.11 Enforcement

- (1) No person shall violate the provisions set forth in this chapter.
- (2) No person shall intentionally:
 - (a) make any false material statement, representation, or certification in, or omit material information from or intentionally alter, conceal, or fail to file or maintain any document required pursuant to this chapter;
 - (b) fail to report data as required under this chapter;
 - (c) counterfeit or traffic in counterfeit purchase credit documents;
 - (d) fail to meet purchase requirements;
 - (e) fail to purchase the appropriate number of vehicles certified to clean fueled vehicle emission standards for the present model year; or
 - (f) use a fuel in a covered area other than that on which the vehicle was certified as a clean fueled vehicle or was given purchase credits.
- (3) Failure to comply with the provisions of this chapter shall constitute a violation of the Act and shall be subject to any enforcement action including penalties pursuant to O.C.G.A 12-9-23 and 12-9-24.
- (4) Notwithstanding the provisions of this rule, EPD shall consider vehicle and fuel availability in failures by covered fleet operators to comply with purchase requirements of this chapter and may grant exemptions or extensions for compliance with said requirements.

Authority, O.C.G.A. § 12-9-1 et seq., as amended.

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