

# LEV II Program Update

## Vehicle Greenhouse Gas Amendments

In 2009 the U.S. EPA, California Air Resources Board, and 7 large auto manufacturers reached an agreement about vehicle greenhouse gas (aka “Pavley”) standards:

- Manufacturers agreed to drop lawsuits, get compliance flexibility in CA and 177 states in return.
- CARB agreed to incorporate flexibility and work towards a national 50 state GHG regulation.
- EPA agreed to work with NHTSA to develop a national vehicle GHG standard consistent w/ CARB.

# California's Pavley Changes

- **National Compliance Option.** With 2012 MY, manufacturers may comply with the national EPA/NHTSA GHG standards in order to show compliance with CA & Sec. 177 states Pavley standards.
- **Voluntary Compliance Option.** Starting immediately manufacturers may “pool” vehicles in CA and all 177 states to demonstrate compliance with Pavley standards in lieu of state by state compliance (addressing fleet mix issues in smaller states).
- **CAFE Data Option.** Starting immediately manufacturers may use data from national CAFE to show compliance with state GHG standards (instead of having to create new data).

# DEP Rulemaking Schedule

- Language drafted to incorporate CA's proposed changes;
- NYDEC is only other sec. 177 state to have begun the process (public comment period now);
- August 2010 – informal legal review by AG;
- September 2010 – OPM and Gov's Office Review;
- November- January 2011 - Public Comment Period and Public Hearing;
- Spring 2011 – LRRC and final adoption; and
- CAA Lead Time Requirements

# Legal Update

- On July 29, 2010 the EPA denied 10 petitions for reconsideration challenging the 2009 greenhouse gas endangerment finding – the legal basis for national motor vehicle GHG standards.
- 17 petitions for review have been consolidated in the D.C. Circuit Court challenging either the endangerment finding or the EPA tailoring rule.
- These cases are not anticipated to have an immediate impact on the CT LEV program or the upcoming rulemaking.

# Questions?

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