

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: November 28, 2023

Regulation No:	2023-23
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Medium and Heavy Duty Vehicle Emission Standards
Statutory Authority: (copy attached)	22a-174g

	Yes or No
Mandatory	N
Federal Requirement	N
Permissive	Y

For the Committee's Information:

The Statement of Purpose contained at the end of the proposed regulation does not comply with Committee Rule 10(b) which requires a statement of purpose to include: (1) The purpose of the regulation, including the problems, issues or circumstances that the regulation proposes to address, (2) a summary of the main provisions of the regulation, and (3) the legal effects of the regulation, including all the ways the regulation would change existing regulations or other law.

Substantive Concerns:

Technical Corrections:

1. The pages of the proposed regulation should be numbered, for proper form.
2. Throughout the proposed regulation, "the State of Connecticut" or "the state of Connecticut", as applicable, should be "this state", for proper form.
3. The catchline for section 22a-174-37 should appear in bold text, for proper form.
4. On page 1, in section 22a-174-37(a), in the second line, ", and Medium" should be inserted after "Trucks" and "Emission" should be "Emissions", for consistency; in the third line, "that is" should be inserted before "not defined", "or in" should be inserted before "section 22a-174-1" and "and section" should be "or", for proper form and clarity; and in the last line, ", for the purposes of this section" should be inserted before the colon, for clarity.
5. On page 1, in section 22a-174-37(a)(4), "U.S." should be "United States" and "is" should be deleted, for proper form.
6. On page 1, in section 22a-174-37(a)(6), "Bus Owner" should be "bus owner", for proper form.
7. On page 1, in section 22a-174-37(a)(7), "provided" should be inserted before "in", for proper form.
8. On page 1, in section 22a-174-37(a)(8), the definitional provision should be rewritten as follows, for clarity:
""Vehicle awaiting sale" means any on-road medium and heavy-duty vehicle in the possession of any dealer, financing company or other entity that does not intend to operate the vehicle in Connecticut or offer the vehicle for hire or operation in Connecticut, which vehicle is operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale or for the purpose of preparation for sale, maintenance or storage."
9. On page 2, in section 22a-174-37(b)(1), "subdivision" should be "section", for accuracy.
10. On page 2, in the third line of section 22a-174-37(c)(1), "on-road medium and heavy-duty" should be inserted before "vehicle", for clarity. The same change should be made in the first line of section 22a-174-37(c)(2) before the word "vehicles".
11. On page 2, in section 22a-174-37(c)(2), in the fourth line, "1963" should be "1963.1", for accuracy; and in the last line, "manufacturers" should be "manufacturer's", for consistency, and the second period at the end of the sentence should be deleted, for proper form.
12. On page 2, in section 22a-174-37(c)(3), "of on-road medium and heavy-duty vehicles" should be inserted after "manufacturer", for clarity.

13. On page 2, in section 22a-174-37(d)(2)(C) and (D), a comma should be inserted before "as defined", and in the latter subparagraph, "in" should be inserted after "defined", for proper form.
14. On page 2, in section 22a-174-37(d), the provisions of subdivision (3) should appear instead in subsection (j) of said section with the related provisions regarding reporting requirements, for clarity.
15. On page 3, in formerly-designated subdivision (3)(A) of section 22a-174-37(d), "A school bus owner whose fleet is comprised by" should be "Any school bus owner whose fleet is comprised of", for proper form. Also, in formerly-designated subdivision (3)(B) of said section, "to" should be inserted before "support", for clarity. As well, in formerly-designated subdivision (3)(C) of said section, "Network Companies" should be "network companies", for proper form.
16. On pages 3 through 6, in Table 37-1 of section 22a-174-37(e), the use of wording, punctuation and the placement of the titles of incorporated chapters, articles and sections should be made accurate and consistent. For example, in the title for Section 1968.2, "Model Year" should be "Model-Year", a comma should be inserted after "Trucks" and "and Engines" should be inserted after "Medium-Duty Vehicles". Also, in between Section 1971.1 and Section 2012, a row with the title "**Article 3.1 Advanced Clean Trucks, Large Entity Reporting Requirement**" should be inserted. Additionally, in the title for Section 2129, "Sticker" should be "Certificate".
17. On page 6, in section 22a-174-37(f) and throughout the remainder of the proposed regulation, with the exception of subsection (l)(2) of said section, "Department" should be "department", for proper form.
18. On page 6, in section 22a-174-37(f)(1), in the second line, "subdivision" should be "subsection", and in the third line, the comma after "May 1" should be deleted, for proper form. These same changes should also be made in the second and third lines, respectively, of section 22a-174-37(f)(2).
19. On page 6, in section 22a-174-37(g)(1), in the first line, "of on-road medium and heavy-duty vehicles", should be inserted after "manufacturer", for clarity.
20. On page 7, in section 22a-174-37(h)(2), in the last line, "by" should be "in", for proper form.
21. On page 7, in section 22a-174-37(i)(1), "sections 2123 through 2133 and 2167 through 2169" should be "sections 2123 to 2133, inclusive, and sections 2167 to 2169, inclusive", for proper form.
22. On page 7, in section 22a-174-37(i)(3), in the fourth line, "that" should be deleted as unnecessary.
23. On page 7, in section 22a-174-37(j)(1), in the third line, "must" should be "shall", in accordance with the committee's directive concerning mandates.

24. On page 7, in section 22a-174-37(j)(3) and throughout the remainder of the proposed regulation, "Commissioner" should be "commissioner", for proper form. Also, in section 22a-174-37(j)(3)(B), "vehicles" should be "vehicle", for clarity.
25. On page 7, in section 22a-174-37(j)(4), in the last line, "from" should be "after", for clarity.
26. On page 8, in section 22a-174-37(k), the subdivision (1) designator should be deleted, for proper form, and "medium and heavy-duty" should be inserted after "on-road", for consistency.

Recommendation:

X	Approval in whole
X	with technical corrections
	with deletions
	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Catriona Stratton / Michael L. Tellerico

Date: November 16, 2023

Sec. 22a-174g. California motor vehicle emissions standards. (a) On or before December 31, 2004, the Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to implement the light duty motor vehicle emission standards of the state of California, and shall amend such regulations from time to time, in accordance with changes in said standards. Such regulations shall be applicable to motor vehicles with a model year 2008 and later. Such regulations may incorporate by reference the California motor vehicle emission standards set forth in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time. Nothing in this section shall limit the commissioner's authority to regulate motor vehicle emissions for any other class of vehicle.

(b) As part of the state's implementation plan under the federal Clean Air Act, the Commissioner of Energy and Environmental Protection may establish a program to allow the sale, purchase and use of motor vehicles which comply with any regulations adopted by the commissioner which implement the California motor vehicles emissions standards for purposes of generating any emission reduction credits under said act. Nothing in this section shall prohibit the Commissioner of Energy and Environmental Protection from establishing a program to require the sale, purchase and use of motor vehicles which comply with any regulations adopted by the commissioner which implement the California motor vehicle emissions standards.

(c) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the medium and heavy-duty motor vehicle standards of the state of California. If the commissioner adopts such regulations, the commissioner shall amend such regulations from time to time, in accordance with changes to such standards. Such regulations may incorporate by reference the California motor vehicle standards established in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time.