

**STATEMENT PURSUANT TO SECTION 22a-6(h) OF THE GENERAL STATUTES  
CONCERNING THE ADOPTION OF REGULATIONS PERTAINING TO ACTIVITIES  
FOR WHICH THE  
FEDERAL GOVERNMENT HAS ADOPTED STANDARDS OR PROCEDURES**

Pursuant to section 22a-6(h) of the Connecticut General Statutes (CGS.), the Commissioner of the Department of Energy and Environmental Protection (the Department) is authorized to adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. At the time of public notice, the Commissioner must distinguish clearly all provisions of a regulatory proposal that differ from federal standards or procedures either within the regulatory language or through supplemental documentation accompanying the proposal. In addition, the Commissioner must provide an explanation for all such provisions in the regulation-making record required under CGS Title 4, Chapter 54 and make such explanation publicly available at the time of the notice of public hearing required under CGS section 4-168.

In accordance with the requirements of CGS section 22a-6(h), the following statement is entered into the public administrative record in the matter of the proposed revisions to various sections of the air quality regulations, as scheduled for public hearing on April 11, 2013.

This proposal includes two changes to the Department's air quality programs that will amend the existing Connecticut Low Emission Vehicle II Zero Emission Vehicle programs and adopt the Low Emission Vehicle III program as well as extend the Zero Emission Vehicle program.

The Department has performed a comparison of the proposed revisions with analogous federal laws and regulations, namely the Clean Air Act (CAA) and standards and procedures in 40 Code of Federal Regulations. A section-by-section comparison of the proposal with federal standards and procedures follows.

**With respect to both revisions**, the Environmental Protection Agency on January 9, 2013 granted a waiver of Clean Air Act Preemption for California's Advanced Clean Car Program (which encompasses both the LEV III and ZEV programs) and a Within the Scope Confirmation for the ZEV amendments for 2017 and earlier model years. Such a waiver finds that the California standards must be at least as protective of public health and welfare, in the aggregate, as applicable Federal standards, and that California's determination of such standards was not arbitrary and capricious. Additionally, granting this waiver indicates that California's standards are consistent with section 209(b) of the CAA, and that it has a need for such standards to meet its compelling and extraordinary conditions.

**With respect to the amendment of RCSA section 22a-174-36b concerning the Low Emission Vehicle (LEV) II program**, the revisions are intended to maintain the consistency of Connecticut's LEV program with California's LEV program. There are two federally sanctioned programs from which a state may choose to comply in the United States, the federal emissions program located in Title II of the CAA or the California LEV program. In 2004, Connecticut

adopted the California LEV II program. Since adoption, the “identity” provisions of CAA section 177 and CGS section 22a-174g require Connecticut to update its LEV program in response to changes in California’s LEV program. California amended the LEV program on August 7, 2012. The amendments to the LEV II program are largely incorporated by reference, ensuring that Connecticut remains identical to the California program, which has received a waiver of preemption.

**With respect to the adoption of section 22a-174-36c concerning the Low Emission Vehicle III Program,** California adopted the LEV III program on August 7, 2012, and included provisions for vehicles for the 2015-2025 season, harmonization of national standards, increased durability, better warranty protections, and increased technical vehicle volume requirements, all of which this proposal incorporates by reference into RCSA section 22a-174-36c. LEV III also assigns upstream emissions to ultra-low greenhouse gas technologies and requires a higher bar for air conditioning credits than the federal system. California also revised its ZEV program in August 2012, and extended the program from 2018 to 2022. The revisions also include a greater measure of compliance flexibility for ZEV credit banking requirements, all of which this proposal incorporates by reference into RCSA section 22a-174-36c. Since Connecticut adopted the California ZEV program through incorporation by reference, there are no differences between the revisions in RCSA section 22a-174-36c and the revisions to the California program in 2012.

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Date

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