



1. TYPE OF ACTION: Amendments to 7 DE Admin. Code 1140, Delaware Low Emission Vehicle Program
2. PURPOSE OF ACTION: Amend 7 DE Admin. Code 1140, following California’s December 12, 2018 amendments to the California Code of Regulations 1961 and 1962 pursuant to the Clean Air Act requirements stipulated in section 177 for states to adopt identical regulations. These amendments clarify the “deemed to comply” provision to continue to hold true for the federal greenhouse gas (GHG) vehicle standards adopted in 2012 for light-duty vehicles for the model years 2021-2025. If the federal standards are weakened by the Environmental Protection Agency and the National Highway Traffic Safety Administration’s proposed Safer Affordable Fuel Efficient vehicles rule, the automobile manufacturers will be required to continue to meet the 2012 federal GHG vehicle standards in order to be deemed in compliance with Delaware’s regulations.
3. STATUTORY BASIS: 7 Del.C. Chapter 60 Environmental Control. Section 6001.
4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE. YES, see EPA approval into Delaware’s SIP (<https://www.gpo.gov/fdsys/pkg/FR-2015-10-14/pdf/2015-25954.pdf>), and Clean Air Act Section 209 – <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapII-partA-sec7543.htm>.
5. DATE OF MOST RECENT REVIEW/AMENDMENT: Amended via Emergency Secretary’s Order 2018-A-0072 dated December 27, 2018.
6. LIKELY AFFECTED PUBLIC: Anyone who sells or purchases a new auto or light-duty truck in Delaware.
7. PROPOSED SCHEDULE OF ACTIVITIES: Public Hearing – February 2019
Effective Date – April 2019
8. REVIEW COMMITTEE: No review committee is necessary. The Department believes that holding of a public hearing will provide adequate opportunity for public education, review, and comment.
9. RESPONSIBLE STAFF MEMBER: Ajo Rabemiarisoa, 715 Grantham Lane, New Castle, DE 19720, 302.324.2083, ajo.rabemiarisoa@state.de.us

10. APPROVALS:


 _____ 1-2-2019
 Ajo Rabemiarisoa Date

Responsible Staff Member


 _____ 1/3/19
 David Fees Date

Director, Division of Air Quality


 _____ 1/13/19
 Shawn M. Garvin Date

Secretary