

# DEPARTMENT OF ENVIRONMENTAL QUALITY

## DIVISION 261

### EMISSION STANDARDS FOR NEW HEAVY-DUTY TRUCKS

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#### **340-261-0010**

##### **Purpose**

The purpose of this division is to establish Oregon heavy-duty engine and vehicle standards that incorporate California engine and vehicle emission standards pursuant to section 177 of the federal Clean Air Act. These standards establishes criteria and procedures for the manufacture, testing, distribution and sale of new on-highway medium- and heavy duty trucks and engines in Oregon as listed in OAR 340-261-0050.

Stat. Auth.: ORS 468.020, 468A.025, 468A.050, 468A.279 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

#### **340-261-0020**

##### **Applicability**

This division is in effect as of January 1, 2022 and applies to and establishes requirements for medium- and heavy-duty truck, engine and trailer manufacturers, Oregon truck dealers, and all 2024 and subsequent model year on-highway heavy-duty engines, vehicles and trailers delivered for sale or sold in the State of Oregon, except as provided in OAR 340-261-0060 Exemptions.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

#### **340-261-0030**

##### **Definitions and Abbreviations**

The definitions in OAR 340-200-0020, the definitions in the sections of CCR, Titles 13 and 17, incorporated by reference in OAR 340-261-0050, and the definitions in this rule apply to this division. If the same term is defined in different passages, the definitions in this rule apply first, followed by definitions in CCR Title 13 sections incorporated by reference, followed by the definitions in CCR Title 17 sections incorporated by reference, and finally the definitions in OAR 340-200-0020.

(3) “CARB” means California Air Resources Board.

(4) “CCR” means California Code of Regulations.

(8)

(9) “Gross vehicle weight rating” or “GVWR” is the value specified by the manufacturer as the loaded weight of a single vehicle.

(16) “Model year” is the manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture is the date of completion of the chassis.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

### **340-261-0040**

#### **Requirement to Meet California Vehicle Emission Standards.**

(1) Starting with the 2024 engine model year and for each engine model year thereafter no person may deliver for sale, or sell any new medium- or heavy-duty truck or trailer unless such vehicle is certified to the California emission standards pursuant to OAR 340-261-0050, except as provided in OAR 340-261-0060, Exemptions.

(2) All motor medium- and heavy duty truck and trailer manufacturers and dealers must comply with the sales and reporting requirements contained in this division.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

### **340-261-0050**

#### **Incorporation by Reference**

(1) For purposes of applying the incorporated sections of the California Code of Regulations, “California” means “Oregon” and “Air Resources Board (ARB)” or “California Air Resources Board (CARB)” means Department of Environmental Quality (DEQ) or Environmental Quality Commission (EQC) depending on context, unless otherwise specified in this division or the application is clearly inappropriate.

(2) The sections of the California Code of Regulations (CCR), Title 13, adopted by reference in sections (3) and (4) are in addition to, and compatible with, the CCR, Title 13, standards and requirements adopted by reference under OAR 340-257-0050. It is the intent of this rule that the standards and requirements adopted by reference under OAR 340-257-0050 also apply to the on-highway medium- and heavy-duty engines, vehicles and trailers regulated by the CCR, Title 13, standards and requirements adopted by reference in this rule, to the same extent and identical to how they would apply in California.

(3) Emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference. In addition to the rules described in subsection (2), each manufacturer of new 2024 and subsequent model year on-highway medium- and heavy-duty engines, vehicles and trailers must comply with each applicable standard specified in CCR, Title 13 as incorporated by reference herein:

(a) Section 1956.8(a) – (f) and (i): Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California effective date 11/1/2021 [anticipated]. Except that subsection (a)(2)(F) “Transit Agency Diesel-Fueled Bus Engine Exemption Request” shall be disregarded and is not incorporated by reference.

- (b) Section 1971.1: On-Board Diagnostic System Requirements – 2010 and Subsequent Model-Year Heavy-Duty Engines. California effective date 11/1/2021 [anticipated].
- (c) Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. California effective date 11/1/2021 [anticipated].
- (d) Section 2121: Penalties. California effective date 11/1/2021 [anticipated]. Except that the reference in this regulation to “a violation of Health and Safety Code Section 43105” shall be disregarded and is not incorporated by reference.
- (e) Section 2137: Vehicle, Engine, and Trailer Selection. California effective date 11/1/2021 [anticipated].
- (f) Section 2139: Testing. California effective date 11/1/2021 [anticipated].
- (g) Section 2139.5: CARB Authority to Test for Heavy-Duty In-Use Compliance. California effective date 04/21/03.
- (h) Section 2140: Notification and Use of Test Results. California effective date 11/1/2021 [anticipated].
- (i) Section 2166: General Provisions. California effective date 11/1/2021 [anticipated].
- (j) Section 2166.1: Definitions. California effective date 11/1/2021 [anticipated].
- (k) Section 2167: Required Recall and Corrective Action for Failures of Exhaust After-Treatment Devices, On-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors. California effective date 11/1/2021 [anticipated].
- (l) Section 2168: Required Corrective Action and Recall for Emission-Related Component Failures. California effective date 11/1/2021 [anticipated].
- (m) Section 2169: Required Recall or Corrective Action Plan. California effective date 11/1/2021 [anticipated].
- (n) Section 2169.1: Approval and Implementation of Corrective Action Plan. California effective date 11/1/2021 [anticipated].
- (o) Section 2169.2: Notification of Owners. California effective date 11/1/2021 [anticipated].
- (p) Section 2169.3: Repair Label. California effective date 11/1/2021 [anticipated].
- (q) Section 2169.4: Proof of Correction Certificate. California effective date 11/1/2021 [anticipated].
- (r) Section 2169.5: Preliminary Tests. California effective date 11/1/2021 [anticipated].
- (s) Section 2169.6: Communication with Repair Personnel. California effective date 11/1/2021 [anticipated].
- (t) Section 2169.7: Recordkeeping and Reporting Requirements. California effective date 11/1/2021 [anticipated].
- (u) Section 2169.8: Extension of Time. California effective date 11/1/2021 [anticipated].
- (v) Section 2423(n): Exhaust Emission Standards and Test Procedures – Off-Road Compression-Ignition Engines. California effective date 11/1/2021 [anticipated].
- (w) Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. California effective date 11/1/2021 [anticipated].
- (4) Emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference. Each manufacturer of new 2024 and subsequent model year on-highway medium- and heavy-duty vehicles and trailers must comply with each applicable standard specified in CCR, Title 17 as incorporated by reference herein:
- (a) Section 95660: Purpose. California effective date 1/1/2015.
- (b) Section 95661: Applicability. California effective date 1/1/2015.

(c) Section 95662: Definitions. California effective date 11/1/2021 [anticipated].

(d) Section 95663: Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. California effective date 11/1/2021 [anticipated].

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

### **340-261-0060**

#### **Exemptions**

(1) All exemptions adopted under OAR 340-261-0050 apply with the exception of the transit agency diesel-fueled bus and engine exemption described in CCR, Title 13, section 1956.8. The following exemption will apply instead:

New diesel-fueled buses sold to any Transit Agency are exempt from OAR 340-261-0050 subsection

(3)(a) prior to January 1, 2027 or until a diesel-fueled transit bus engine meeting the standards described in that subsection becomes widely available, whichever occurs earlier.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

### **340-261-0070**

#### **Recalls**

(1) Any order issued or enforcement action taken by CARB to correct noncompliance with any section of CCR, Title 13, that results in the recall of any vehicle pursuant to CCR, Title 13, sections 2109-2135, will be *prima facie* evidence concerning vehicles registered in Oregon. If the manufacturer can demonstrate to DEQ's satisfaction that the order or action is not applicable to vehicles registered in Oregon, DEQ will not pursue a recall of vehicles registered in Oregon.

(2) Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to CCR, Title 13, sections 2113 - 2121 must extend to all applicable vehicles registered in Oregon. If the manufacturer can demonstrate to DEQ's satisfaction that said campaign is not applicable to vehicles registered in Oregon, the campaign will not apply in Oregon.

(3) For vehicles subject to an order of enforcement action under section (1) of this rule, each manufacturer must send to owners of vehicles registered in the State of Oregon a notice that complies with the requirements in CCR, Title 13, sections 2118 or 2127. The manufacturer must provide a telephone number that Oregon consumers can use to learn answers to questions about any recall that affects Oregon vehicles.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

### **340-261-0080**

#### **Inspections and Information Requests**

(1) DEQ may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this division. DEQ inspections will occur during regular business hours and on any premises owned, operated or used by any dealer or rental car agency for the purposes of determining compliance with the requirements of this division.

(2) For the purposes of determining compliance with this division, DEQ may require any vehicle dealer or rental car agency to submit to DEQ any documentation that DEQ deems necessary to the effective administration and enforcement of this division. This provision does not require creation of new records.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

**340-261-0090**

**Severability**

Each section of this division is severable, and if any section of this regulation is held invalid, the remainder will continue in full force and effect.

Stat. Auth.: ORS 468.020, 468A.025 & 468A.360

Stats. Implemented: ORS 468A.010, 468A.015, 468A.025, 468A.050, 468A.279 & 468A.360

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