



State of Oregon Department of Environmental Quality

# Draft Rules – Edits Highlighted

Heavy-Duty Engine and Vehicle Omnibus Rule Update 2024

## Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

### Division 261

## EMISSION STANDARDS FOR NEW HEAVY-DUTY TRUCKS

### 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 as required under section 177 of the federal Clean Air Act. These standards establish 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.

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025, 468A.050, 468A.279 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.050, 468A.279, 468A.360, ORS 468A.010 & 468A.015

#### History:

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

### 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, all ~~2024~~2025 and subsequent model year on-highway heavy-duty engines, and all ~~2025~~2026 and subsequent model year trucks and trailers delivered for sale or sold in the State of Oregon, except as provided in OAR 340-261-0060 Exemptions.

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

#### History:

DEQ 16-2023, temporary amend filed 11/16/2023, effective 01/01/2024 through 06/28/2024

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## Translation or other formats

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### 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 the CCR Title 13 sections incorporated by reference, followed by the definitions in the CCR Title 17 sections incorporated by reference, and finally the definitions in OAR 340-200-0020.

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

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

(3) “Disadvantaged community” means an area with the highest diesel emission concentrations, vulnerable populations, and population densities as shown in Figures 1 through [X].

~~(3)~~(4) “Transit agency” means a public entity responsible for administering and managing transit services. Public transit agencies can directly operate transit service or contract out for all or part of the total transit service provided.

(5) “Vulnerable populations” has the meaning given that term in OAR 340-255-0020.

[NOTE: View a PDF of Figures by clicking on “Figures” link below.]

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**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

### 340-261-0040

#### Requirement to Meet California Vehicle Emission Standards

(1) Starting with the ~~2024~~2025 engine model year and for each engine model year thereafter no person may deliver for sale, or sell, in Oregon any new on-highway heavy-duty engine unless such engine is certified to the California emission standards as required under OAR 340-261-0050, except as provided in OAR 340-261-0060, Exemptions.

(2) Starting with the ~~2025~~2026 model year and for each model year thereafter no person may deliver for sale, or sell, in Oregon any new medium- or heavy-duty truck or trailer unless such vehicle is certified to the California emission standards as required under OAR 340-261-0050, except as provided in OAR 340-261-0060, Exemptions.

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

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

DEQ 16-2023, temporary amend filed 11/16/2023, effective 01/01/2024 through 06/28/2024

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**340-261-0050**

**Incorporation by Reference**

(1) For purposes of applying the incorporated sections of the California Code of Regulations described in this rule, “California” or “CA” means “Oregon” or “OR,” respectively, 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 and Title 17, 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 in Oregon to the on-highway medium- and heavy-duty engines, vehicles and trailers regulated by the CCR, Title 13 and Title 17, 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. Each manufacturer of new ~~2024~~2025 and subsequent model year on-highway medium- and heavy-duty engines and ~~2025~~2026 and subsequent model year trucks and trailers must comply with each of the following applicable standards 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 adopted date ~~9/9/21~~12/28/2023. Except that CCR Title 13, Section 1956.8(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 adopted date ~~9/9/21~~12/28/2023.

(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 adopted date 9/9/21.

- (d) Section 2121: Penalties. California adopted date 9/9/21. 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 adopted date 9/9/21.
- (f) Section 2139: Testing. California adopted date 9/9/21.
- (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 adopted date 9/9/21.
- (i) Section 2166: General Provisions. California adopted date 9/9/21.
- (j) Section 2166.1: Definitions. California adopted date 9/9/21.
- (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 adopted date 9/9/21.
- (l) Section 2168: Required Corrective Action and Recall for Emission-Related Component Failures. California adopted date 9/9/21.
- (m) Section 2169: Required Recall or Corrective Action Plan. California adopted date 9/9/21.
- (n) Section 2169.1: Approval and Implementation of Corrective Action Plan. California adopted date 9/9/21.
- (o) Section 2169.2: Notification of Owners. California adopted date 9/9/21.
- (p) Section 2169.3: Repair Label. California adopted date 9/9/21.
- (q) Section 2169.4: Proof of Correction Certificate. California adopted date 9/9/21.
- (r) Section 2169.5: Preliminary Tests. California 9/9/21 date 9/9/21.
- (s) Section 2169.6: Communication with Repair Personnel. California adopted date 9/9/21.
- (t) Section 2169.7: Recordkeeping and Reporting Requirements. California adopted date 9/9/21.
- (u) Section 2169.8: Extension of Time. California adopted date 9/9/21.
- (v) Section 2423(n): Exhaust Emission Standards and Test Procedures – Off-Road Compression-Ignition Engines. California adopted date 9/9/21.

(w) Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. California adopted date 9/9/21.

(4) Emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference. Each manufacturer of new ~~2025~~2026 and subsequent model year on-highway medium- and heavy-duty vehicles and trailers must comply with each of the following applicable standards 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 ~~9/9/21~~ effective date ~~9/9~~12/22/21.

(d) Section 95663: Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. California ~~adopted~~ effective date ~~9/9~~12/22/21.

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

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**340-261-0060**

**Exemptions**

(1) All exemptions in the California rules adopted ~~under~~ by reference apply with the exception of the transit agency diesel-fueled bus and engine exemption described in CCR, Title 13, section 1956.8(a)(2)(F).

(2) New diesel-fueled buses sold to any transit agency are exempt from OAR 340-261-0050.

(3) Emergency vehicles, as defined in ORS 801.260, and ambulances, as defined in ORS 801.115, are exempt from OAR 340-261-0050.

**Statutory/Other Authority:** ORS 468.020, 468A.025 & 468A.360

**Statutes/Other Implemented:** 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

### **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 as required under CCR, Title 13, sections 2109-2135, for a vehicle subject to the requirements adopted by reference in OAR 340-261-0050, 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 as required under CCR, Title 13, sections 2113 - 2121, for vehicles subject to the requirements adopted by reference in OAR 340-261-0050, 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.

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

### **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 on public property or on any premises owned, operated or used by any truck dealer or truck rental 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 truck dealer or truck rental 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.

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

**340-261-0090**

**Severability**

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

**Statutory/Other Authority:** ORS 468.020, ORS 468A.025 & 468A.360

**Statutes/Other Implemented:** ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

**History:**

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**Non-discrimination statement**

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