



Economic Impact Analysis Virginia Department of Planning and Budget

9 VAC 5 - 200 – Regulation for National Low Emission Vehicle Program
Department of Environmental Quality
January 4, 2012

Summary of the Proposed Amendments to Regulation

This regulation (9 VAC 5 - 200) for the National Low Emission Vehicle (NLEV) Program was adopted by the State Air Pollution Control Board (Board) on January 7, 1999 with an effective date of April 14, 1999, to implement an EPA-approved alternative clean fuel fleet standard for mobile sources. The regulation required mobile source manufacturers to participate in the federal National Low Emission Vehicle Program (40 CFR 86 Subpart R).

On February 10, 2000 the federal NLEV program was superseded by federal Tier 2 standards which were more restrictive than the NLEV program standards (65 FR 6698). Additionally, 9 VAC 5 – 200 has no requirements that are applicable to new vehicles after the 2006 model year. Thus the Board proposes to repeal this regulation in its entirety.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The current regulations do not effectively produce any requirements for manufacturers or any other entities since there are no requirements that are applicable to new vehicles after the 2006 model year and since in 2010 the federal NLEV program was superseded by federal Tier 2 standards which were more restrictive than the NLEV program standards. Thus repealing these regulations will have no impact beyond reducing potential confusion amongst the public.

Businesses and Entities Affected

Only new vehicle manufacturers were affected by this regulation. Such entities would not be affected by the repeal of this regulation since there are no requirements that are applicable to new vehicles after the 2006 model year and since in 2010 the federal NLEV program was superseded by federal Tier 2 standards which were more restrictive than the NLEV program standards.

Localities Particularly Affected

The proposed repeal of this regulation does not have a disproportionate effect on any particular localities.

Projected Impact on Employment

The proposed repeal of this regulation will not affect employment.

Effects on the Use and Value of Private Property

The proposed repeal of this regulation will not affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed repeal of this regulation will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of this regulation will not affect small businesses.

Real Estate Development Costs

The proposed repeal of this regulation will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to

be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.