

**ADOPTED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R106-05**

Effective October 31, 2005

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 445B.210 and 445B.770.

A REGULATION relating to vehicle emissions; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.

**Section 1.** NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing evidence of compliance unless he holds a current license to operate a test station at an established place of business and holds one or both of the ratings set forth in subsection 3.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station ~~[shall]~~ *must* obtain from the Department:

(a) A “G” rating if it will be testing the exhaust emissions of gasoline-powered motor vehicles. A test station with a “G” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580, use an exhaust gas analyzer that complies with the

equipment specifications published by the Department for this rating and at least one approved inspector who has a “G” rating to perform the exhaust emissions tests.

(b) A “D” rating if it will be testing the exhaust emissions of light-duty diesel motor vehicles. A test station with a “D” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589, use an exhaust gas analyzer that complies with the requirements of NAC 445B.587 and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.

4. A facility which holds a license as an authorized inspection station or class 1 fleet station may test exhaust emissions but shall not perform any installation, repair, diagnosis or adjustment to devices that affect exhaust emissions, except:

- (a) The changing of oil;
- (b) The replacement of an oil filter, air filter, fuel filter, belt or hose; and
- (c) With regard to a vehicle with a model year of 1980 or older which has not failed its most recent exhaust emissions test administered in this State:

(1) The replacement of the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and

(2) The adjustment of the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.

5. An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in paragraph (c) of subsection 4 that the authorized inspection station also provides.

6. A person licensed to operate a test station shall not own or hold any ownership interest whatsoever in any business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the Department for the testing of exhaust emissions.

7. A person or business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the Department for the testing of exhaust emissions shall not own or hold any ownership interest whatsoever in any business licensed to operate a test station.

8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which services or repairs motor vehicles unless:

(a) The facility for the station is physically separated from the adjacent facility;

(b) The facility for the station and the adjacent facility have separate entrances for customers and do not share any common doors or entries between the facilities;

(c) The adjacent facility has no access to the physical space in which testing occurs at the facility for the station;

(d) No employee of the adjacent facility is employed by the station; and

(e) The facility for the station and the adjacent facility have separate mailing addresses.

***9. A facility that holds a license as an authorized inspection station or class 1 fleet station may perform the servicing of a fuel injection system only by using a method that:***

***(a) Utilizes a cleaning solvent for the fuel system that is registered as a fuel additive with the United States Environmental Protection Agency in accordance with the requirements of 40 C.F.R. Part 79;***

***(b) Introduces the cleaning solvent into the fuel tank and no other portion of the vehicle's fuel system or air intake system; and***

*(c) Does not involve the dismantling, removal or adjustment of any portion of the fuel system or air intake system other than the fuel inlet cap.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R106-05**

The Division of Environmental Protection of the State Department of Conservation and Natural Resources adopted regulations assigned LCB File No. R106-05 which pertain to chapter 445B of the Nevada Administrative Code on October 4, 2005.

**Notice date:** 8/30/2005  
**Hearing date:** 10/4/2005

**Date of adoption by agency:** 10/4/2005  
**Filing date:** 10/31/2005

**INFORMATIONAL STATEMENT**

This permanent regulation will modify NAC 445B.460 by defining a method for servicing motor vehicle fuel injection systems by facilities licensed as authorized inspection stations or class 1 fleet stations. The regulatory change is being proposed in response to Assembly Bill 239, which was passed by the 2005 Nevada Legislative Session. The proposed amendment will update the Inspection and Maintenance provisions of the NAC and bring them into alignment with the Nevada Revised Statutes.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Nevada Division of Environmental Protection (NDEP), Bureau of Air Quality Planning (BAQP) held a workshop on the above referenced regulation at the following location.

<p><b>Reno Workshop</b> Tuesday, August 23, 2005 South Valleys Library Conference Room 18100 Wedge Parkway Reno, NV 3:30 pm – 5:00 pm</p>	<p><b>Las Vegas Workshop</b> Tuesday, August 30, 2005 Spring Valley Library Conference Room 4280 S. Jones Blvd. Las Vegas, NV 10:30 am – 12:00 Noon</p>
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At the workshop held in Reno on August 23, 2005, two attendees made oral comments. Speaking in support of the proposed regulation changes was Andrew Goodrich, Director of the Washoe County Division of Air Quality Management. Dennis Ransel, Planning Manager with the Clark County Department of Air Quality and Environmental Management, also supported the proposal because the regulation changes would bolster Clark County's efforts to address air quality non-attainment issues on several fronts. These included compliance with terms of the existing State Implementation Plan, current efforts to receive attainment redesignation from the USEPA for carbon monoxide, and future plans to address ozone non-attainment. No oral comments were made at the Las Vegas workshop. Written comments were received by NDEP via email from two individuals. Writing on behalf of the Nevada Emission Testers Council, President Brian Keraly

expressed the Council's full support for the proposed language in Petition 2005-05. Scott Allen, Instructor in the Automotive Technology Program at the Truckee Meadows Community College in Reno, offered his endorsement of the fuel injection system cleaning method proposed in the petition. Mr. Allen, who teaches the automotive emissions training courses that prospective emissions inspectors take prior to being certified, has been working closely with the NV DMV to find an acceptable cleaning method that does not violate statutory prohibitions that prevent Class I stations from performing services that affect exhaust emissions.

Regarding the regulatory hearing, the regulation was noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates (September 05, 19, 26, 2005). Members of the public subscribing to the SEC electronic and ground-based mailing lists were subsequently mailed a public notice and meeting agenda for the SEC regulatory hearing; the hearing was held in Reno on October 04, 2005.

At the SEC hearing, there were no public comments received by the Commission during the adoption of the referenced regulation.

**2. The number persons who:**

- (a) Attended October 04, 2005 hearing; 18
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: (none)

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list.

The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection in libraries in Clark and Washoe Counties, at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The workshop notice, summary of comments received at the workshop, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at:  
<http://www.sec.nv.gov/main/hearing1005.htm>

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

**5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.**

No anticipated economic effects will result from adoption of this regulation.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

**8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

The regulation is no more stringent than what is established by federal law.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not address fees changes.