

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R031-00

Effective May 26, 2000

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

AUTHORITY: §§1-9 and 11, NRS 445B.210 and 486A.150; §10, NRS 445B.210, 486A.150 and 486A.180.

Section 1. Chapter 486A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Certified vehicle” means a motor vehicle that complies with:*

1. The standards for the control of emissions from an ultra low-emission vehicle set forth in 40 C.F.R. § 88.104-94 or 88.105-94; or

2. Any other standards for the control of emissions from a motor vehicle adopted by the United States Environmental Protection Agency which are more stringent than the standards for the control of emissions from an ultra low-emission vehicle set forth in 40 C.F.R. § 88.104-94 or 88.105-94.

Sec. 3. *“Contingency measure” means a measure that:*

1. Is included in the state implementation plan; and

2. Takes effect in the manner prescribed in 42 U.S.C. § 7502(c)(9).

Sec. 4. *“Control measure” means a measure that is included in the state implementation plan to attain or maintain the national primary and secondary ambient air quality standards set forth in 40 C.F.R. Part 50.*

Sec. 5. *“State implementation plan” means the plan adopted by the State of Nevada pursuant to 42 U.S.C. §§ 7410 and 7502.*

Sec. 6. NAC 486A.140 is hereby amended to read as follows:

486A.140 1. ~~The~~ *Except as otherwise provided in subsection 4, the* administrator of the division of environmental protection of the department may designate a fuel as an alternative fuel. A person who wishes to have a fuel designated as an alternative fuel must submit to the administrator a written request which includes evidence that the fuel complies with the requirements set forth in subsection 2.

2. A fuel designated as an alternative fuel by the administrator must:

(a) ~~When~~ *If* used to operate a motor vehicle:

(1) Reduce the emissions of one or more regulated pollutants to a level below the level of emissions generated ~~when~~ *if* the fuel for which the designated fuel serves as an alternative is used to operate a motor vehicle;

(2) Generate emissions which are within the limits established pursuant to NAC 445B.596 for all regulated pollutants; and

(3) Generate emissions which are measurable using testing procedures approved by the division; and

(b) Be capable of being safely transported in bulk, handled during fueling and used to operate motor vehicles which are converted or manufactured to use the fuel.

3. Not less than 30 days before a fuel is designated as an alternative fuel pursuant to subsection 1, the administrator shall provide a notice of intent to designate the fuel as an alternative fuel to each person who has requested that his name be placed on a mailing list maintained by the division for the purpose of providing that notice. The administrator shall cause

the notice to be published at least once in newspapers of general circulation throughout ~~the~~ *this* state.

4. The administrator shall not designate a fuel as an alternative fuel if he determines that such a designation would have a significant adverse effect on a control measure or contingency measure.

Sec. 7. NAC 486A.160 is hereby amended to read as follows:

486A.160 1. The operator of a fleet, including, but not limited to, the operator of a fleet with buses and heavy-duty trucks, must obtain alternative fuel vehicles *or certified vehicles* in the following percentages of vehicles acquired or replaced, in compliance with the following schedule:

Fiscal year 1995	10 percent
Fiscal year 1996	15 percent
Fiscal year 1997	25 percent
Fiscal year 1998	50 percent
Fiscal year 1999	75 percent
Fiscal year 2000 and each year thereafter	90 percent

2. If the number of vehicles purchased, leased or otherwise acquired by the operator of a fleet in any 1 year when multiplied by the percentage specified in subsection 1 contains a fraction, the number of vehicles required to be alternative fuel vehicles *or certified vehicles* must be rounded off to the nearest whole number.

3. The operator of a fleet may meet the requirements of this section by converting existing or newly acquired vehicles to alternative fuel vehicles.

Sec. 8. NAC 486A.180 is hereby amended to read as follows:

486A.180 1. ~~[/The vehicles/]~~ *An alternative fuel vehicle* acquired in compliance with NAC 486A.160 must be operated solely on an alternative fuel except when operating in an area where the appropriate alternative fuel is unavailable. *The provisions of this subsection do not apply to a hybrid electric vehicle as defined in 40 C.F.R. § 86.1702-99.*

2. The operator of a fleet shall compile records of all fuel used *to operate alternative fuel vehicles* on a monthly basis. The records must be:

(a) Available for inspection not later than 30 days after the end of the month for which the records were compiled; and

(b) Maintained for a period of 2 years after the end of the month for which the records were compiled.

3. Not later than 30 days after the end of each fiscal year, the operator of a fleet shall file a written report with the director which specifies for that immediately preceding fiscal year:

(a) The number of vehicles purchased ~~[/]/~~, *leased or otherwise acquired*;

(b) The number of vehicles purchased, *leased or otherwise acquired* that are alternative fuel vehicles ~~[/]/~~ *or certified vehicles*;

(c) The number of existing vehicles that were converted to alternative fuel vehicles; and

(d) For each vehicle included in paragraph (a), (b) or (c):

(1) The vehicle identification number;

(2) The make, model and year of manufacture; and

(3) The type of fuel used by the vehicle.

Sec. 9. NAC 486A.200 is hereby amended to read as follows:

486A.200 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* director may exempt the operator of a fleet from *the requirements of* any provision of this chapter if the director determines that:

(a) Alternative fuel vehicles *or certified vehicles* meeting the requirements of this chapter are not available for purchase, lease or acquisition by other means; or

(b) A commercial facility which sells alternative fuel is not available in the area in which the fleet is operated, and providing a facility to dispense alternative fuel would be economically impracticable for the operator of the fleet.

2. An exemption granted by the director pursuant to subsection 1 must be for an initial period of not more than 12 months and may be renewed for additional periods of not more than 12 months.

3. The director shall not exempt the operator of a fleet from the requirements of any provision of this chapter if he determines that such an exemption would have a significant adverse effect on a control measure or contingency measure.

Sec. 10. NAC 486A.230 is hereby amended to read as follows:

486A.230 1. The amount of the fine imposed for any violation *of the provisions of this chapter or chapter 486A of NRS* must be submitted not later than 10 days after ~~[service of]~~ the notice *required by NAC 486A.210 is served* upon the violator.

2. Payment of the fine imposed ~~[must]~~:

(a) *Must* be made to the Bureau of Air Quality, ~~[123]~~ 333 West Nye Lane, *Room 138*, Carson City, Nevada ~~[89710. Payment may]~~ *89706-0851; and*

(b) *May* be made by cashier's check, certified check, money order, personal check or cash.

Sec. 11. NAC 486A.250 is hereby amended to read as follows:

486A.250 1. Any person who requests a hearing before the commission concerning a final decision of the department pursuant to chapter 486A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3 ~~[*]~~ with the State Environmental Commission, 333 West Nye Lane, ~~Capitol Complex,~~ *Room 138*, Carson City, Nevada ~~[89710.]~~ *89706-0851. A copy of the form may be obtained from the commission.*

2. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the commission requested pursuant to subsection 1.

~~[(See adopting agency for form.)]~~

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PERMANENT PETITION 2000-05 (R-031-00)
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 486A. This permanent regulation deals with amendments to the alternative fuels program.

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.

Petition 2000-05 (R-031-00), was noticed three (3) times: March 21, 2000, March 29, 2000 and April 6, 2000 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. Regulatory workshops were held on January 25, 2000 and March 23, 2000 in Las Vegas and January 27, 2000 and March 22, 2000 in Reno. A report was prepared that summarized the public meetings. All affected permittees were mailed the proposed rules, including other interested parties. The regulation was adopted by the State Environmental Commission on April 20, 2000. No verbal comments were received at the Commission's hearing on this permanent regulation. One written comment (Exhibit 1) supporting the proposed regulation was received from the Washoe County Health District for this permanent regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	18
(b)	Testified at each hearing:	0
(c)	Submitted to the agency written comments:	1

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 by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral testimony was received that opposed or supported the permanent regulation. No written testimony was received relating to the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

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.

The permanent regulation was adopted by the State Environmental Commission on April 20, 2000 with no proposed amendments requested at the hearing.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed permanent regulation is not anticipated to have any significant adverse short or long-term economic impact on Nevada businesses.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public. Public agencies will receive a benefit of having more options in acquiring vehicles to meet the requirements of the alternative fuels program.

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

There is no additional cost to the agency for enforcement.

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 regulations do no overlap or duplicate any regulations of another state or local governmental agency.

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 regulations are no more stringent than federal regulations.

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.

No new fees or increases in existing fees were presented in this regulation.

END OF FILING STATEMENT FOR 2000-05 (R031-00)