

**LCB File No. R031-00**

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION  
PETITION 2000-05**

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

Authority: NRS 486A.150, 445B.210

**Section 1.** Chapter 486A of NAC is hereby amended by adding thereto the following definition.

*“Ultra low-emission vehicle” (ULEV) means any motor vehicle conforming to the applicable federal ULEV exhaust emission certification standard established by the U.S. Environmental Protection Agency, Office of Mobile Sources.*

**Section 2.** NAC 486A.140 is hereby amended to read as follows:

1. 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 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 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. *The administrator may not designate a fuel as an alternative fuel if such designation would adversely impact any control measure or contingency measure contained in an Air Quality Implementation Plan prepared pursuant to NRS 445B.500.*

4. 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 state.

**Section 3.** NAC 486A.160 is hereby amended to read as follows:

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 vehicles that are certified to federal United States Environmental Protection Agency ULEV, or more stringent, standards* 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 ~~clean~~ *or vehicles that are certified to federal United States Environmental Protection Agency ULEV, or more stringent, standards* 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.

**Section 4.** NAC 486A.180 is hereby amended to read as follows:

1. *Alternative fueled* ~~The~~ vehicles 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. *This requirement does not apply to hybrid electric vehicles.*

2. The operator of a fleet shall compile records of all fuel used *by alternative fueled 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 vehicles that are certified to federal United States Environmental Protection Agency ULEV, or more stringent, standards*;

(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.

**Section 5.** NAC 486A.200 is hereby amended to read as follows:

1. The director may exempt the operator of a fleet from any provision of this chapter if the director determines that:

(a) Alternative fuel vehicles *or vehicles that are certified to federal United States Environmental Protection Agency ULEV, or more stringent, standards* 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.

**Section 6.** NAC 486A.230 is hereby amended to read as follows:

1. The amount of the fine imposed for any violation must be submitted not later than 10 days after service of the notice upon the violator.

2. Payment of the fine imposed must be made to the Bureau of Air Quality, ~~123 West Nye Lane,~~ *333 West Nye Lane, Room 138*, Carson City, Nevada ~~89710~~ *89706-0851*. Payment may be made by cashier's check, certified check, money order, personal check or cash.

**Section 7.** NAC 486A.250 is hereby amended to read as follows:

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*.

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.)