

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R031-00

April 12, 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, 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 the 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 40 C.F.R. § 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 40 C.F.R. § 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 and 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 42 U.S.C. § 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 chapter 486A of NRS or this chapter* 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.)]~~