

LCB File No. R102-02

PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION

(Replaces Initial Draft posted on 6/28/2002)

Petition 2002-08 originally submitted to LCB for drafting on June 24, 2002 with these agency revisions as provided to LCB for drafting on July 19, 2002

Explanation: Matter in *bold italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

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Authority: §§1-5, NRS 445B.210 , 445B.770 and 445B.780.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as section 2 of this regulation:

Sec. 2. *Effect of missing emission control label on applicable standard. When the owner of a heavy-duty motor vehicle receives written notification from the department that the emission control label was missing during an inspection, the owner must replace the emission control label and provide the engine number identification to the department within 30 days of receipt of the notification. If the owner fails to comply with this requirement, it will be conclusively presumed in any subsequent smoke opacity test where the emission control label remains missing that the vehicle is subject to the 40 percent smoke opacity standard in NAC 445B.7665, unless at the time of the subsequent test it is plainly evident from a visual inspection that the vehicle is powered by a 1977-1990 model-year engine, a 1970-1976 model-year engine or a pre-1970 model-year engine.*

Sec. 3. NAC 445B.739 is hereby amended to read as follows:
NAC 445B.739 “Certification level” means the maximum allowable level of opacity for a diesel engine with a 1970 ~~1977~~ or newer model year, as set by the commission in NAC 445B.7665.

Sec. 4. NAC 445B.7665 is hereby amended to read as follows:
NAC 445B.7665 **1.** No owner or driver of a heavy-duty motor vehicle *powered by:*
(a) A 1991 or subsequent model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity ~~equal to or~~ greater than **40** ~~70~~ percent.
(b) A 1977 to 1990 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 55 percent.
(c) A 1970 to 1976 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 70 percent.
2. *The director shall exempt from subsection 1 any engine family that has been exempted by the California Air Resources Board under section 2181(b) of Title 13 of the California Code of Regulations.*

Sec. 5. NAC 445B.767 is hereby amended to read as follows:

NAC 445B.767 1. The standards set forth in NAC 445B.7665(1) are effective only when the department is using opacity testing equipment with a built-in capability to adjust the opacity readings to ambient conditions per SAE J1667.

2. Until July 1, 2003, the director may authorize opacity testing using equipment without a built-in capability to adjust the opacity readings to ambient conditions per SAE J1667. When using such test equipment, a violation will not be issued unless the discharge into the atmosphere of engine exhaust from the vehicle is of an opacity greater than 70 percent.

3. ~~1.1~~ Equipment for the measurement of smoke opacity must meet the specifications set forth in section ~~6~~ ~~4~~ of the Society of Automotive Engineers Procedure, SAE J1667, Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

4. ~~2.2~~ The test procedure must comply with the provisions of section ~~5~~ ~~3~~ of SAE J1667, including the preparation phase and preconditioning phase set forth in subsections 1, 2 and 3 of section ~~5~~ ~~3~~ of SAE J1667.

5. ~~3.3~~ As used in this section, “test opacity” means the smokemeter measurement of opacity to determine compliance with the standard of opacity set forth in NAC 445B.7665.

Sec. 6. NAC 445B.768 is hereby amended to read as follows:

NAC 445B.768 1. During an inspection of an emission control system, the components for emission control for heavy-duty motor vehicles powered by diesel engines that are subject to inspection for tampered or defective conditions include:

- (a) The engine governor.
- (b) Any seal or cover protecting the adjustments to control the ratio of air to fuel.
- (c) Any seal or cover on the fuel injection pump.
- (d) The air cleaner and the indicator of the restriction of flow.
- (e) The exhaust gas recirculation valve.
- (f) The particulate matter trap system or catalytic converter system, including related pipes and valves.
- (g) Any hose, connector, bracket or hardware related to the components listed in paragraphs (a) to (f), inclusive.
- (h) Engine computer controls, including related sensors and actuators.
- (i) The emission control label.
- (j) Any other components related to emissions for a particular vehicle or engine as determined from the manufacturer’s specifications, emission control label, certification data or a published manual of parts for the vehicle.

2. During an inspection of an emission control system, the components for emission control for a heavy-duty motor vehicle powered by a gasoline engine that are subject to inspection for tampered or defective conditions include:

- (a) The air injection system.
- ~~(b) The positive crankcase ventilation system.~~
- (b) ~~(e)~~ The exhaust gas recirculation system.
- (c) ~~(d)~~ The catalytic converter, including related pipes and valves.
- (d) The fuel inlet cap if the motor vehicle was originally equipped by the manufacturer with such equipment.*
- ~~(e) The control system for evaporative emissions.~~
- (e) ~~(f)~~ Any hose, connector, bracket or hardware related to the components listed in paragraphs (a) to (d) ~~(e)~~, inclusive.

~~(f) (g) [Engine computer controls, including related sensors and actuators.]~~

~~(h)~~ The on-board diagnostic system for a vehicle with a 1994 or newer model year, if the vehicle is equipped with such a system.

~~(g) (i)~~ The emission control label.

~~(j) Any other component related to emissions for a particular vehicle or engine as determined from the manufacturer's specifications, emission control label, certification label, certification data or a published manual of parts for the vehicle.]~~

3. As used in this section, "defective" means an emission control system or a component of an emission control system that is malfunctioning due to age, wear, faulty maintenance or a defect in design.

Sec. 7. NAC 445B.774 is hereby amended to read as follows:

NAC 445B.774 1. The director may grant a waiver from the standard of opacity set forth in NAC 445B.7665.

2. Except as otherwise provided in this ~~[sub]~~section, an application for a waiver must include a receipt or receipts or other evidence that at least \$1,000 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system, or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

3. If the vehicle is repaired by the owner, the application must include a receipt or receipts or other evidence that at least \$750 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system and that the parts were purchased within 15 days after the initial test or inspection. No allowance will be made toward the \$750 requirement for labor on a vehicle repaired by its owner.

4. The director shall deny an application for a waiver if the parts have not been installed or the repairs have not been performed as indicated on the receipt or receipts presented to the director.

5. A vehicle that qualifies for repairs under a warranty is not eligible for a waiver.

6. A waiver will remain valid for a period of one year from the date it is issued.

Sec. 8. NAC 445B.7655 is hereby repealed.

TEXT OF REPEALED LANGUAGE

NAC 445B.7655 Issuance of citation on or before January 1, 1997: Prohibition of administrative fine. A citation issued by the department on or before January 1, 1997, for a violation of the provisions of NAC 445B.737 to 445B.774, inclusive, must not be accompanied by an administrative fine.