

LCB File No. R232-03

PROPOSED REGULATION OF THE STATE  
ENVIRONMENTAL COMMISSION

Petition 2003-11

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

AUTHORITY: NRS 445B.210 and NRS 486A.150

**Section 1.** NAC 486A.015 is hereby amended to read as follows:

NAC 486A.015 "Alternative fuel" means:

1. Any fuel which is usable in an alternative fuel retrofit system for motor vehicles that complies with the provisions of NAC 486A.150;
2. Methanol, ethanol or other alcohol, or any mixture thereof containing 85 percent or more by volume of such an alcohol with gasoline or other fuels;
3. Reformulated gasoline that complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;
4. ~~[Low sulfur diesel fuel that complies with the regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;]~~ *Ultra low-sulfur diesel fuel having a maximum sulfur content of 15 parts per million by weight;*
5. *Diesel fuel that meets the requirements imposed by the California Air Resources Board;*
6. *Finished diesel fuel that:*
  - (a) *Meets American Society for Testing and Materials (ASTM) specification D975;*  
*and*
  - (b) *Includes at least 5 percent but not more than 20 percent biodiesel fuel blend stock for distillate fuels meeting ASTM specification D6751;*
- ~~[5.]~~ 7. Natural gas;
- ~~[6.]~~ 8. Liquefied petroleum gas;
- ~~[7.]~~ 9. Hydrogen;
- ~~[8.]~~10. Liquid fuels derived from coal or another source of power, including, but not limited to, electricity; and
- ~~[9.]~~11. Any other fuel designated as an alternative fuel by the administrator of the division of environmental protection of the department pursuant to NAC 486A.140.
12. *Subsections 4 and 5 expire by limitation on December 31, 2006.*

**Sec. 2.** NAC 486A.015 is hereby amended to read as follows:

NAC 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 ~~for 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. 3.** NAC 486A.180 is hereby amended to read as follows:

NAC 486A.180. 1. 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 ~~for 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. 4.** NAC 486A.180 is hereby amended to read as follows:

NAC 486A.200. 1. 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 ~~for 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. 5.** NAC 486A.035 is hereby repealed.

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TEXT OF REPEALED LANGUAGE

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**NAC 486A.035 “Certified vehicle” defined. (NRS 445B.210, 486A.150)** “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.