

1 **PROPOSED REGULATION OF THE STATE**

2 **ENVIRONMENTAL COMMISSION**

3 **Petition 2003-11 LCB File No. R232-03**

4 January 30, 2004

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

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7 AUTHORITY: §§1-5, NRS 445B.210 and 486A.150.

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

10 486A.015 “Alternative fuel” means:

11 1. *Any fuel which is listed in NRS 486A.030;*

12 2. Any fuel which is usable in an alternative fuel retrofit system for motor vehicles that complies with the
13 provisions of NAC 486A.150;

14 ~~2.~~ 3. Methanol, ethanol or other alcohol, or any mixture thereof containing 85 percent or more by volume
15 of such an alcohol with gasoline or other fuels;

16 ~~3. Reformulated gasoline that complies with the regulations adopted by the United States Environmental
17 Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the
18 Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;~~

19 ~~4. Low-sulfur diesel fuel that complies with the regulations adopted by the United States Environmental
20 Protection Agency pursuant to the standards for the control of emissions from motor vehicles established by the
21 Clean Air Act Amendments of 1990, Public Law No. 101-549, November 15, 1990;~~

22 ~~5.~~ 4. Natural gas;

- 23 ~~16.~~ 5. Liquefied petroleum gas;
- 24 ~~17.~~ 6. Hydrogen;
- 25 ~~18.~~ 7. Liquid fuels derived from coal or another source of power, including, but not limited to, electricity;
- 26 and
- 27 ~~19.~~ 8. Any other fuel designated as an alternative fuel by the Administrator of the Division of
- 28 Environmental Protection of the Department pursuant to NAC 486A.140.

29 **Sec. 2.** NAC 486A.160 is hereby amended to read as follows:

30 486A.160 1. The operator of a fleet, including, but not limited to, the operator of a fleet with buses and
 31 heavy-duty trucks, must obtain alternative fuel vehicles ~~for certified vehicles~~ in the following percentages of
 32 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

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

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

40 **Sec. 3.** NAC 486A.180 is hereby amended to read as follows:

41 486A.180 1. An alternative fuel vehicle acquired in compliance with NAC 486A.160 must be operated
42 solely on an alternative fuel except when operating in an area where the appropriate alternative fuel is
43 unavailable. The provisions of this subsection do not apply to a hybrid electric vehicle as defined in 40 C.F.R. §
44 86.1702-99.

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

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

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

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

52 (a) The number of vehicles purchased, leased or otherwise acquired;

53 (b) The number of vehicles purchased, leased or otherwise acquired that are alternative fuel vehicles ; ~~for~~
54 ~~certified vehicles;~~

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

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

57 (1) The vehicle identification number;

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

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

60 **Sec. 4.** NAC 486A.200 is hereby amended to read as follows:

61 486A.200 1. Except as otherwise provided in subsection 3, the Director may exempt the operator of a fleet
62 from the requirements of any provision of this chapter if the Director determines that:

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

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

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

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

73 **Sec. 5.** NAC 486A.035 is hereby repealed.

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76 **TEXT OF REPEALED SECTION**

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80 **486A.035 “Certified vehicle” defined. (NRS 445B.210, 486A.150) “Certified vehicle”**
81 means a motor vehicle that complies with:

82 1. The standards for the control of emissions from an ultra low-emission vehicle set forth in
83 40 C.F.R. § 88.104-94 or 88.105-94; or

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