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State Environmental Commission

Classification [] Proposed [] Adopted By Agency [] Temporary [XX] Emergency [] Permanent []

T2017-02: This temporary regulation revises NAC 445B. The State Environmental Commission adopted temporary regulation amendments that, under specific circumstances, provide an exemption from requirements that motor vehicles registered in Nevada that were originally equipped with devices to control pollution, must have those devices correctly installed and in good operating condition.

The State of Nevada is seeking Beneficiary Status in the matter of the Volkswagen 2.0L Partial Consent Decree Environmental Mitigation Trust Agreement. The State likely qualifies as a beneficiary due to the environmental harm suffered by the State from emissions that exceeded EPA-compliance levels emitted by the diesel-powered Subject Vehicles identified in the settlement manufactured by the Volkswagen Group. To qualify as a beneficiary, the State must certify that it shall not deny registration to any Subject Vehicle based solely on the fact that it has a defeat device installed that renders it ineffective or inoperable for the control of pollution. The 2.0L Partial Consent Decree requires the Volkswagen Group, by June 30, 2019, to take steps to address the emissions from at least 85% of the Subject Vehicles. This will be accomplished through either a vehicle buyback/early lease termination program, or through an emissions modification recall program. NDEP expects that these programs will be effective in substantially reducing future emissions from the Subject Vehicles.

Authority citation other than 233B: NRS 445B.210 and NRS 445B.770

Notice date: March 24, 2017

Hearing date: May 3, 2017

SEC Temporary Regulation T2017-02, Adopted by the SEC on 5/03/17 – Filed with LCB on 6/07/2017