

Mayor  
John J. Lee

City Manager  
Dr. Qiong X. Liu, P.E., PTOE

Council Members  
Anita G. Wood  
Pamela A. Goynes-Brown  
Isaac E. Barron  
Richard J. Cherchio



**Public Works - Fleet Operations**  
100 East Brooks Ave. • North Las Vegas, Nevada 89030  
Telephone: (702) 633-1263 • Fax: (702) 642-1951  
[www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)

October 25, 2016

State Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701

**RE: Petition for a Variance to NRS/NAC Chapter 486A – Alternative Fuels; Clean Burning Fuels**

Commission:

The City of North Las Vegas formally requests the Commission's approval for a 36 month variance to comply with NAC 486A.180.1 as it applies to our existing diesel-powered vehicles due to financial hardship and unavailability of alternative fuels. The City's fleet currently contains approximately 104 noncompliant vehicles.

The City of North Las Vegas was the third fastest growing city in the nation from 2000 to 2009 and also one of the hardest hit by the economic collapse which resulted in a \$152 million deficit for the City. While the financial condition of the City is improving, we are still working diligently to reduce and ultimately eliminate this deficit. Approving this petition would allow the City to continue working in this direction by phasing out noncompliant vehicles over the next 36 months in lieu of immediate replacement. If the City is required to replace all non-compliant vehicles immediately, it would likely cost in excess of \$3.12 million. This burden would be reduced to \$1.04 million per year, spread out over a three year period, if the Commission approves this variance. The City's Fleet Services Division currently has a vehicle replacement budget of \$1.65 million this year and expects a similar replacement budget for the foreseeable future. The City also plans to explore the recently approved option of adding telematics to some of these vehicles in lieu of replacement to further ease the financial burden of purchasing 104 vehicles and hopefully obtain compliance in a more expedient manner.

The Clark County Department of Air Quality has indicated that receiving the variance should have no significant adverse effect on any current control measures or contingency measures contained in a Clark County SIP. I have included this letter as an attachment for your use.

In investigating alternatives to this variance request, the City reviewed the possibility of utilizing biodiesel to bring our diesel fleet into compliance. Unfortunately this fuel is not commercially available in the City and we are not in a position financially to install, maintain, and operate our own fuel tanks/pumps. Because of this, requesting a variance appears to be the only viable option for the City and thus we respectfully request the Commission approve this variance.

Please contact me at (702) 633-2043 if you have any questions or concerns.

Respectfully,

  
Mike Hudgeons, P.E.  
Fleet Manager

cc: Sig Jaunarajs, Nevada Division of Environmental Protection  
Joe Perreira, Nevada Division of Environmental Protection  
Valerie King, Nevada Division of Environmental Protection  
Robert Tekniepe, Clark County Department of Air Quality



CLARK COUNTY • DEPARTMENT OF AIR QUALITY  
4701 W. Russell Road Suite 200 • Las Vegas, NV 89118-2231  
(702) 455-5942 • Fax (702) 383-9994  
Lewis Wallenmeyer Director

December 18, 2015

Mike Hudgeons, P.E.  
City of North Las Vegas  
2250 Las Vegas Boulevard North, Suite 201  
North Las Vegas, NV 89030

**Re: Petition for Variance from Chapter 486A of the Nevada Administrative Code**

Dear Mr. Hudgeons:

The following is provided as follow-up to our conversation regarding your intent to request a variance from the Nevada State Environmental Commission on the mandated usage of alternative fuel for the City of North Las Vegas fleet vehicles.

Chapter 486A.200.3 of the Nevada Administrative Code states that the "Commission shall not issue a variance...if it determines that such a variance would have a significant adverse effect on a control measure or contingency measure." Control and contingency measures come from state implementation plans (SIPs) approved by the U.S. Environmental Protection Agency, which makes them federally enforceable and thus not eligible for a Commission waiver.

We do not currently have any such SIP control measures in force, and do not anticipate new mobile source emissions control measures within your proposed time frame. The Department of Air Quality therefore has determined that your request should have no significant adverse effect on any current control measures or contingency measures contained in any Clark County SIP.

Sincerely,

Marci Henson  
Director

cc. Mike Sword, Planning Manager, Clark County Department of Air Quality

BOARD OF COUNTY COMMISSIONERS  
Steve Sisolak, Chair • Larry Brown, Vice-Chairman  
Susan Brager • Chris Giunchigliani • Marilyn Kirkpatrick  
Mary Beth Scow • Lawrence Weekly  
Don Burnette, County Manager



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission [SEC.nv.gov](http://SEC.nv.gov)

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

**Nevada State Environmental Commission (SEC)  
Procedure to Petition for a Variance to NRS/NAC Chapter 486A  
SEC Form #6**

**Discussion**

Generally, NRS Chapter 486A and NAC Chapter 486A relate to the requirements for the state and political subdivisions to purchase alternative fueled vehicles and use alternative fuels in government fleets. **NRS 486A.150** (amended by the Legislature in 2009 through SB 332), effective July 1, 2009, requires the State Environmental Commission (Commission) to establish a procedure for approving variances to the provisions of NRS 486A. In approving variances, the Commission may consider whether compliance with NRS 486A (or the provisions of NAC 486A) would:

- Void or reduce the coverage under a manufacturer's warranty for any vehicle or vehicle component;
- Result in financial hardship to the owner or operator of a fleet;
- Be impractical because of the lack of availability of clean vehicles, alternative fuel or motor vehicles that use alternative fuel; or
- Any other reason which the Commission determines is appropriate.

Any agency requesting a variance from the requirements of the alternative fuels program must submit the following information to the State Environmental Commission for their review. **The petition for variance must be received at least 30 days prior to the Commission hearing in order to be heard as an action item.** The Division of Environmental Protection will review the request for completeness, request additional information, as necessary, and make a recommendation to the Commission on each variance request.

Name: City of North Las Vegas

Address: 100 East Brooks Ave. North Las Vegas, NV 89030

E-mail Address: hudgeonsm@cityofnorthlasvegas.com

Telephone Number: 702-633-1224

Signature of petitioner and representative capacity if applicable:

*Hudgeonsm* / FLEET MANAGER

## Procedure for Variance to Requirements of NRS/NAC 486A

Provide a response to Sections A-C, as applicable.

A. For requests being made due to voiding a manufacture's warranty, the request must include the following.

- The length of time requested for the variance.

- The specific vehicle(s) for which the variance is being requested, including the year, make, model and VIN for each vehicle and the portion of the warranty that would be affected.

- Documentation from the vehicle or engine manufacturer or the manufacturer's dealer that complying with the alternative fuel requirements of NRS/NAC 486A will void the vehicle's warranty.

- A discussion of any alternatives considered (i.e. the purchase of other alternative fuel vehicles or the use of other compliant fuels) that would mitigate the need for the variance.

B. For requests being made due to financial hardship, the request must include the following:

- The length of time requested for the variance.

The City is requesting a 36 month variance.

- The portion of the fleet to which the request applies:

- If the request applies to acquisitions of new alternative fuel vehicles (exemption from NAC 486A.160), the request should state which alternative fuel vehicles purchases are affected and the type of vehicle(s) proposed to be purchased in its place.

The City will purchase E-85, hybrid, electric, or Smart Way vehicles whenever possible, however, we may need to purchase diesel vehicles in some cases to meet the needs of certain divisions. Since the City does not have access to biodiesel, these vehicles would not be considered compliant.

- If the request applies to the use of an alternative fuel, state specific fuel(s) to which the request applies (exemption from NAC 486A.180).

The City is requesting a variance for our existing diesel vehicles.

- A description of the nature and extent of the financial hardship being experienced by the agency and the financial impact that would be experienced by the agency as a result of compliance with the alternative fuels program. Also indicate what has changed to bring about this financial hardship (e.g. loss of revenue, change in market prices for alternative fuels, etc.)

The City of North Las Vegas was the third fastest growing city in the nation from 2000 to 2009 and also one of the hardest hit by the financial collapse. This financial collapse resulted in a \$152 million deficit for the City.

- The budgetary savings that the fleet expects to realize if the variance is granted. Savings should be broken down by fuel expenditure savings, vehicle acquisition savings, maintenance savings, or any other savings expected.

If the variance is granted, the savings realized would amount to the immediate acquisition cost of approximately 104 new vehicles. Instead, these vehicles would be purchased and deployed over the course of three years to replace our existing non-compliant vehicles.

- Documentation showing that the applicable local air pollution control agency agrees that granting of the variance would not cause a significant adverse impact to a State Implementation Plan (SIP) control strategy.

See attached.

- A discussion of any alternatives considered that would mitigate the need for the variance.

The City reviewed the option of using biodiesel fuel, however, this fuel is not commercially available in our City and the City is not financially able to install/maintain/operate our own fuel tanks/pumps.

- A description of how and to what degree financial conditions would have to change before the variance would no longer be needed and the expected time frame for such changes to occur.

The financial conditions at the City are improving. The City will begin phasing out non-compliant vehicles immediately and will continue as more vehicles become eligible for replacement. We expect it to take a few years to completely phase out all non-compliant vehicles.

C. For requests being made due to unavailability of alternative fuel vehicles or fuels, the request must include the following:

- An explanation of the circumstances surrounding the unavailability of the alternative fuel vehicles or alternative fuels. This explanation should include the types of vehicles and fuels being sought; the agency's unsuccessful attempts to acquire the alternative vehicles or alternative fuels; or, if applicable, the economic impracticality of providing a facility to dispense alternative fuel.

- Documentation showing that the applicable local air pollution control agency agrees that granting of the variance would not cause a significant adverse impact to a State Implementation Plan (SIP) control strategy.

- Discuss any alternatives considered that would mitigate the need for the variance.

- Describe the logistical conditions for the acquisition of alternative fuel vehicles and use of alternative fuels that would have to exist before the exemption would no longer be needed and the expected time frame for such changes to occur.

**Agencies requesting a variance from the provisions of NAC 486A must submit a written request to the State Environmental Commission at the following address:**

**State Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701**