

Permanent Regulation - Filing Statement

**Nevada Division of Environmental Protection
Bureau of Air Quality Planning**
Vehicle Emission Testing - Inspection & Maintenance Program

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233B.066

**State Environmental Commission (SEC)
Petition 2004-27 – LCB File R035-05**

This permanent regulation clarifies and updates the Inspection & Maintenance (I/M) provisions of Nevada Administrative Code (NAC) 445B and brings them into alignment with the Nevada Revised Statutes (NRS). The amendments bring diesel vehicles with a gross vehicle weight rating (GVWR) from 8,500 up to and including 10,000 pounds into the I/M program as per Assembly Bill 36. It also aligns the Clark County I/M program area in the NAC with what is in the Nevada I/M State Implementation Plan as well as clarifies which areas are included in the Washoe County I/M program and which are exempt.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Nevada Division of Environmental Protection (NDEP), Bureau of Air Quality Planning (BAQP) held workshops on the above referenced temporary regulation at the following locations.

Reno

Friday, November 5, 2004 South Valleys
Library Conference Room
18100 Wedge Parkway Reno, NV
2:00 – 3:00 PM

Las Vegas

Wednesday, November 3, 2004 The
Community College of S. Nevada
Conference Room A, Phase 5 Bldg3200 E
Cheyenne Ave North Las Vegas, NV4:00 –
5:00 PM

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates (September 05, 19, 26, 2005). The public was subsequently mailed a public notice and meeting agenda for the SEC regulatory hearing, which was held in Reno on October 04, 2005; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public comments received by the Commission during the adoption of the referenced regulation.

2. The number persons who:

- (a) Attended October 04, 2005 hearing; 18
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: (none)

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public workshops were held to explain the proposed changes and solicit opinion from the affected businesses, primarily large public fleets that operate diesel-powered pickup trucks in the 8500 to 10000 pound weight class. No public comments either oral or written were made at the workshops.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.

(a) Regulated Business/Industry. The proposed amendments will affect some government, business and industry fleets in areas that require emissions testing. In those parts of Washoe and Clark Counties that are subject to the emissions testing program, diesel-powered vehicles with a GVWR from 8,500 up to and including 10,000 pounds will be required to have an annual emissions test before registering. Affected fleets can choose to test their own vehicles or use an emissions testing station. Each year, DMV sets a maximum fee that stations can charge for an emissions test; the 2004 limits are \$39.00 in Clark County and \$36.00 in Washoe County.

(b) Public. The proposed amendments will affect certain vehicle owners in areas that require emissions testing. In those parts of Washoe and Clark Counties that are subject to the emissions testing program, diesel-powered vehicles with a GVWR from 8,500 up to and including 10,000 pounds will be required to have an annual emissions test before registering. Each year, DMV sets a maximum fee that industry can charge for an emissions test; the 2004 limits are \$39.00 in Clark County and \$36.00 in Washoe County.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The Department of Motor Vehicles (DMV) implements the inspection and testing program for motor vehicles. There will be no additional costs to DMV for implementing this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is no more stringent than what is established by federal law.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Fees collected by the DMV from the emissions testing program are used as specified in NRS 445B.830.

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