

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection Bureau of Air Quality Planning

Adoption By Reference of Federal Regulations

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

State Environmental Commission (SEC) Petition 2005-05 – LCB File R106-05

This permanent regulation will modify NAC 445B.460 by defining a method for servicing motor vehicle fuel injection systems by facilities licensed as authorized inspection stations or class 1 fleet stations. The regulatory change is being proposed in response to Assembly Bill 239, which was passed by the 2005 Nevada Legislative Session. The proposed amendment will update the Inspection and Maintenance provisions of the NAC and bring them into alignment with the Nevada Revised Statutes.

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 a workshop on the above referenced regulation at the following location.

Reno Workshop Tuesday, August 23, 2005 South Valleys Library Conference Room 18100 Wedge Parkway Reno, NV 3:30 pm – 5:00 pm	Las Vegas Workshop Tuesday, August 30, 2005 Spring Valley Library Conference Room 4280 S. Jones Blvd. Las Vegas, NV 10:30 am – 12:00 Noon
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At the workshop held in Reno on August 23, 2005, two attendees made oral comments. Speaking in support of the proposed regulation changes was Andrew Goodrich, Director of the Washoe County Division of Air Quality Management. Dennis Ransel, Planning Manager with the Clark County Department of Air Quality and Environmental Management, also supported the proposal because the regulation changes would bolster Clark County's efforts to address air quality non-attainment issues on several fronts. These included compliance with terms of the existing State Implementation Plan, current efforts to receive attainment redesignation from the USEPA for carbon monoxide, and future plans to address ozone non-attainment.

No oral comments were made at the Las Vegas workshop. Written comments were received by NDEP via email from two individuals. Writing on behalf of the Nevada Emission Testers Council, President Brian Keraly expressed the Council's full support for the proposed language in Petition 2005-05. Scott Allen, Instructor in the Automotive Technology Program at the Truckee Meadows Community College in Reno, offered his endorsement of the fuel injection

system cleaning method proposed in the petition. Mr. Allen, who teaches the automotive emissions training courses that prospective emissions inspectors take prior to being certified, has been working closely with the NV DMV to find an acceptable cleaning method that does not violate statutory prohibitions that prevent Class I stations from performing services that affect exhaust emissions.

Regarding the regulatory hearing, the regulation was 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). Members of the public subscribing to the SEC electronic and ground-based mailing lists were subsequently mailed a public notice and meeting agenda for the SEC regulatory hearing; the hearing was held in Reno on October 04, 2005.

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.

Comments were solicited from affected businesses as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list.

The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection in libraries in Clark and Washoe Counties, at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The workshop notice, summary of comments received at the workshop, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at: <http://www.sec.nv.gov/main/hearing1005.htm>

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.

No anticipated economic effects will result from adoption of this regulation.

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

There will be no additional costs to the Nevada Division of Environmental Protection 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.

This regulation does not address fees changes.

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