

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureaus of Air Pollution Control and Air Quality Planning

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC)
LCB File No. R022-10
SEC # P2010-01

Regulation R022-10: Alternative Fuels in Fleets: This regulation amends Chapter 486A of the Nevada Administrative Code (NAC) to reflect recent changes made in statute by the Nevada Legislature (i.e., S.B.332). The proposed changes clarify in regulation the types of alternative fuels and vehicles that will comply with the Alternative Fuels in Fleets program. The regulation addresses vehicle acquisition and fuel use requirements, reporting requirements, and program applicability. Overall the proposed regulation will provide more flexibility to respond to changes in the alternative fuels and low emission vehicles markets.

Specifically, the proposed regulation adds hybrid electric vehicles and clean vehicles as meeting the requirements of the program. It exempts vehicles that are used for fire, law enforcement, emergency response and military purposes. It requires the fleet operator to submit a statement outlining the procedures and internal controls required to ensure alternative fuels are used. The proposed regulation also specifies the conditions under which the SEC may grant a variance from provisions of the program (i.e., it extends the duration of a variance from 12 to 36 months).

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

This draft regulation is the result of many meetings and conversations with stakeholders prior to the public workshop. The NDEP held a public workshop on the above referenced regulation on Thursday, May 13, 2010 at the NDEP offices in Carson City with a video-conference to the Las Vegas office. Minutes are available on the SEC web site at http://sec.nv.gov/main/hearing_0610.htm, agenda item #6. At this meeting, the NDEP solicited comment on the proposed regulation.

Following the workshop, the SEC held a regulatory hearing on June 17, 2010 in Reno at the Nevada Department of Wildlife. A public notice and agenda for the SEC regulatory hearing was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed permanent regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_0610.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended June 17, 2010 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 2 (2 NDEP)
- (c) Submitted to the agency written comments: 1

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

This regulation does not directly impact any businesses. The regulation only pertains to state and local governing bodies with fleets in Washoe and Clark counties. Fleet owners or operators were involved in the drafting of the revisions and notified of the opportunity to comment via the public workshops and during the 30-day comment period preceding the SEC hearing.

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 to the proposed regulation were requested at the Hearing; the SEC adopted the regulation without any changes.

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

The regulation does not regulate any business. There is no economic impact from the amendments on regulated fleets.

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

There will be no additional cost to the Division of Environmental Protection for enforcement of the amendment.

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.

This regulation does not duplicate any other federal, state or local regulation.

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 not more stringent than any federal regulation or guidance on the same activity.

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.

No fees are generated by this regulation.