

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Air Quality Planning

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

State Environmental Commission (SEC)
LCB File No. R171-07
SEC # P2008-05

Regulation R171-07: Waivers from Emissions Standards for certain Motor Vehicles:
This regulation amends NAC 445B to make it consistent with NRS 445B.825. The regulation was prepared jointly by the Nevada Division of Environmental Protection (NDEP) and the Department of Motor Vehicles (DMV). It allows the granting of a waiver from emissions standards for all light-duty gasoline powered motor vehicles with a model year 1996 or newer after a sufficient attempt has been made to correct deficiencies that have caused a failure of an emissions inspection.

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.

On January 24 and January 29, 2008, NDEP's Bureau of Air Quality Planning held public workshops on the above referenced regulation at the following locations. A total of 14 people attend these workshops.

<p style="text-align: center;">Reno Thursday, January 24, 2008 Washoe County Health Department Building C. Room 110 1001 E. 9th St. Reno, NV 10:00 am -12:00</p>	<p style="text-align: center;">Las Vegas Tuesday, January 29, 2008 McCarran International Airport Commissioner Conference Rm 5th floor 5757 Wayne Newton Blvd Las Vegas, NV 1:00 pm - 3:00 pm</p>
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Following these workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on March 18, 2008. The hearing was held in Reno at the Nevada Department of Wildlife (1100 Valley Road).

The hearing agenda was posted at the following locations: the Nevada Department of Wildlife in Reno, the Nevada 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 regulation were 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 for the regulation was published on Monday February 25, 2008 and on March 3rd and 10th 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_031808.htm

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

- (a) Attended March 18, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 2 (1 NDEP Staff and 1 DMV Staff)
- (c) Submitted to the agency written comments: 0

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.

Comments were solicited from affected businesses as indicated in number 1 above.

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.

The SEC adopted the regulation on March 18, 2008. Consensus on the proposed regulation was reached during the regulation development and public workshop process. In adopting the regulation, the SEC made a minor, non substantive language clarification to section 5 of the regulation.

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

This regulation will prevent financial hardship to motor vehicle owners by allowing them to register model year 1996 or newer light-duty gasoline powered motor vehicles that fail an emissions inspection after a sufficient attempt has been made to repair the vehicle.

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

The DMV implements the inspection and maintenance program for motor vehicles. There will be no additional cost to DMV or NDEP for enforcement of the proposed 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 not more stringent than any local or federal laws and regulations.

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.

The proposed regulation does address any fees.