

# **Fleets Use of Alternative Fuels Filing Statement**

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

Petition 2003-11 (LCB File R-232-03)  
**State Environmental Commission**

The following statement is submitted for adopted amendments to Nevada Administrative Code Chapter 486A - Fleets: Use of Alternative Fuels. This amended regulation reflects changes made to NRS 486A made during the 2003 legislative session (AB 237). In general, the changes include removal of low-sulfur diesel fuel from the list of designated alternative fuels and replacement with three diesel fuel variants; at the end of 2006 ultra low-sulfur diesel and California diesel sunset. Also, the petition removes the definition of "certified vehicle" and all references to certified vehicles in NAC 486A.

**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.**

**Petition 2003-11 (Permanent)** was noticed Notice in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – January 28, February 4, and February 11, 2004. Regulatory workshops were conducted by the Bureau of Air Quality Planning in Reno on Wednesday, February 4, at the Nevada Division of Wildlife (1100 Valley Road, Reno) and in Las Vegas on February 5, 2004 at the Regional Transportation Commission (600 S. Grand Central Parkway)

The regulation (Permanent) was adopted by the State Environmental Commission (SEC) on February 26, 2003.

There was no public oral and/or written comments received by the Commission during adoption. The public was mailed a public notices and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

**2. The number persons who:**

- (a) **Attended February 26, 2004 hearing;** 40
- (b) **Testified on this Petition at the hearing:** 1
- (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 how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. In addition the workshop notices were posted on the Bureau of Air Quality Planning's website (see: <http://ndep.nv.gov/baqp/planintro.html> ). The proposed regulations (Petition)

was also posted on the website hosted by the State Environmental Commission at (<http://www.sec.nv.gov/main/hearing0204.htm>). For this petition no written or oral comment was received from affected businesses or members of the public.

**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 regulation was adopted by the State Environmental Commission on February 26, 2004 without request for amendment by staff of the Nevada Division of Environmental Protection.

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

While regulated business and industry are unaffected by this regulation, proposed adopted changes will have a small economic effect (related to fuel costs) on State and local government fleets that acquire diesel fueled vehicles to comply with this regulation beginning with State Fiscal Year 2004. The regulations will otherwise not have an economic impact, either immediate or long term, on the regulated industry or the public.

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

There will be no additional costs to the agency for enforcement of these amendments and the regulations.

**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 regulations do not overlap or duplicate any regulations of other state or government 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 regulations are 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.**

The regulations do not provide a new fee nor increase an existing fee.

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