

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**

1. Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249
(775) 687-4670
January 17, 2008

Michael Elges
Chief, Bureau of Air Quality Planning
(775) 687-9329

2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 445B.210 establishes the authority of the State Environmental Commission (SEC) to adopt regulations to prevent, abate and control air pollution. NRS 445B.760 establishes the authority of the SEC to prescribe standards for emissions from motor vehicles in coordination with the Department of Motor Vehicles (DMV). NRS 445B.770 establishes specific authority of the SEC regarding the development of programs for the inspection and testing of motor vehicles to control emissions from motor vehicles. NRS 445B.825, requires the SEC to provide a means to waive the provisions of NRS 445B.770 to 445B.815 inclusive to avoid unnecessary financial hardship to motor vehicle owners.

SPECIFIC CHANGES:

The NDEP is proposing to establish a method for granting waivers from emissions standards for certain motor vehicles. The amendment will:

- Allow DMV to grant a waiver from compliance with emissions standards for all light-duty, gasoline powered motor vehicles with a model year of 1996 or newer (i.e., vehicles equipped with on-board diagnostic –OBD- systems) after a sufficient attempt has been made to correct deficiencies that have caused a failure of an emissions inspection.

4. NEED FOR AND PURPOSE:

The proposed amendment will update the Inspection and Maintenance (I/M) provisions of the NAC and bring them into alignment with the NRS.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The proposed amendment will have no adverse economic effects on the industry. The amendment establishes a method by which individuals can apply for a waiver from emissions standards.

(b) Public. The proposed amendment will prevent financial hardship to owners from having to have excessive repairs done to their motor vehicles in order to register with DMV.

(c) Enforcing Agency. The DMV implements the inspection and testing program for motor vehicles. There will be no additional costs to DMV or NDEP for implementing this amendment.

6. The amended regulations do not overlap or duplicate any regulations of other state or government agencies.

7. The amended regulations are no more stringent than what is established by federal law.

8. The proposed amendments do not address fees.