

FORM # 1

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

1. September 7, 2009

By: Nevada Division of Environmental Protection
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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.770 requires the SEC to adopt regulations for the control of emissions from motor vehicles.

The amendments proposed here to the Emissions from Engines section of Nevada Administrative Code (NAC) Chapter 445B align the motor vehicle inspection and maintenance (I/M) program with recent changes made in statute (A.B. 414). The changes expand Nevada's I/M provisions to include diesel-powered vehicles weighing up to 14,000 pounds; establish standards for testing emissions from reconstructed vehicles and trimobiles; and exempt certain trimobiles from emissions testing.

SPECIFIC CHANGES:

- (1) Changes the weight range for heavy-duty diesel-powered motor vehicles subject to the motor vehicle emission inspection provisions from the current level of up to 10,000 pounds to vehicles weighing up to and including 14,000 pounds.
- (2) Exempts trimobiles that meet the federal definition of a motorcycle from engine emission testing.

- (3) Specifies that a reconstructed vehicle and a trimobile, which does not meet the federal definition of a motorcycle, are subject to the exhaust emission standards that were in effect in the year in which the engine of the vehicle was manufactured.
- (4) Revises the definition of heavy duty motor vehicle to conform to the statutory changes.

4. NEED FOR AND PURPOSE:

These amendments bring the NAC into alignment with the NRS.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. These amendments do not affect businesses directly. Rather they apply to anyone who registers one of the affected vehicles in Clark County or Washoe County.

(b) Public. The proposed amendments will require businesses or members of the public who register one of the affected vehicles in Clark County or Washoe County to have an annual vehicle emissions test performed at a nominal cost. We estimate that approximately 9,500 diesel-powered vehicles in the 10,000 to 14,000 pound weight-range will become subject to the emissions testing program as a result of this amendment.

(c) Enforcing Agency. There will be no additional costs to the Division of Environmental Protection or the Department of Motor Vehicles for enforcement of the amendment.

- 6. There are no other Nevada state regulations or federal regulations that the amendment overlaps or duplicates.
- 7. The amendment is not more stringent than any federal regulation or guidance on the same activity.
- 8. The monies generated (\$6 per test) from any additional emissions tests required as a result of the amendments will be deposited in the Department of Motor Vehicle's Pollution Control Account.