

FORM # 1

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

1. February 3, 2010

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) 486A.150 establishes the authority of the State Environmental Commission (SEC) to adopt regulations necessary to carry out the provisions of the alternative fuels in fleets program.

The amendments proposed here to Chapter 486A of Nevada Administrative Code (NAC), *Fleets: Use of Alternative Fuels*, align the alternative fueled vehicles in fleets program with recent changes made in statute (S.B. 332). The changes define in regulation the alternative fuels and vehicles that comply with the program, the vehicle acquisition and fuel use requirements, reporting requirements, program applicability, and exemption and variance provisions.

SPECIFIC CHANGES

The proposed amendments:

- (1) Define in regulation each alternative fuel that meets program requirements. Previously, some of these definitions were in statute and some were in regulation.
- (2) Add hybrid electric vehicles and clean vehicles as meeting the requirements of the program.

- (3) Exempt fleets that are also subject to the federal Energy Policy Act alternative fuels program and vehicles that are used for fire, law enforcement, emergency response and military purposes.
- (4) Require that ninety percent of all vehicles acquired or replaced in a regulated fleet must be capable of using alternative fuels, or must be hybrid electric or clean vehicles; remove old language that specified the program introduction schedule.
- (5) Strengthen annual reporting requirements for acquired vehicles and fuel usage. Require the fleet operator to submit a statement outlining the procedures and internal controls in place to ensure alternative fuels are used and to certify information provided.
- (6) Specify the conditions under which the Commission may grant a variance from provisions of the program; extend the duration of a variance from 12 to 36 months.
- (7) Make editorial changes that accommodate the use of hybrid electric or clean vehicles to meet program requirements; update the address of the State Environmental Commission.

4. NEED FOR AND PURPOSE:

The proposed amendments bring the NAC into alignment with the revised NRS and provide for more flexibility to respond to changes in the alternative fuels and low emission vehicles markets.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. These amendments do not affect businesses, only state and local governing bodies

(b) Public. The proposed amendments do not affect members of the public.

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

- 6. The amendments specifically exempt fleets that must comply with the Energy Policy Act; a federal program that the State program would otherwise overlap or duplicate.
- 7. The amendments are not more stringent than any federal regulation or guidance on the same activity.
- 8. No fees are generated by these amendments.