

**Notice of Regulatory Hearing**

**Adoption of Regulations and Other Matters Before the**

**State Environmental Commission**

The State Environmental Commission (SEC) will hold a meeting on Wednesday, September 1, 2021, at 9:00 am in Carson City. The meeting will be held in the Tahoe Room on the 2nd Floor of the Bryan Building, located at 901 South Stewart Street. The SEC will also provide other methods for the public to participate and provide public comment, either virtually or telephonically using the link or the dial-in number below:

Join the meeting: <https://call.lifesizecloud.com/518570>

Join the Lifesize meeting using Skype for Business: <https://skype.lifesizecloud.com/518570>

Click to call from Mobile (audio only)
    United States: +1 (877) 422-8614,, 518570#

Call in by Phone (audio only)
    United States: +1 (877) 422-8614
Meeting extension: 518570#

The purpose of the meeting is to receive comments from all interested persons regarding the information listed on this notice and the meeting agenda. The following information is provided pursuant to the requirements of NRS 233B.0603.

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**R093-20: Bureau of Air Quality Planning – Low and Zero Emission Vehicle Standards**

The proposed amendments pertain to NAC Chapter 445B. NDEP is proposing to amend NAC 445B to adopt:

1. The California Low Emission Vehicle (LEV) standards for exhaust emissions and fuel evaporative emissions of criteria pollutants and greenhouse gases from mobile internal combustion engines found in new, light-duty and medium duty motor vehicles sold in Nevada starting from model year 2025.
2. The California Zero Emission Vehicle (ZEV) program, starting with sales of model year 2025 vehicles. The ZEV program requires that automobile manufacturers earn a specified percentage of credits that are related to the delivery for sale of new motor vehicles in the state that are zero emission vehicles.

The proposed revisions include creating a new subsection for the LEV and ZEV programs under the Emissions from Engines section. The subsection includes general provisions, definitions, severability, adoption of California Administrative Code by reference, LEV program provisions, ZEV program provisions, warranty and recall provisions, and civil penalties

The proposed amendment will have an indirect economic effect on regulated businesses and industry; including the motor vehicle franchised dealers, auto repair facilities, auto parts suppliers and retail outlets, automotive fuel retailers and suppliers, and the motor vehicle manufacturers, however, only a generalized and qualitative impact on these businesses can be predicted. The requirement of selling an increasing percentage of ZEVs may increase costs and uncertainty over consumer acceptance for the dealers. Automotive dealerships may also expect vehicle service revenue to decline over time due to the greater reliability of and lower maintenance costs for electric vehicles. Costs for new non-ZEV vehicles may be higher due to the additional technology required for more stringent LEV emission standards. Manufacturers will incur compliance and reporting costs.

The proposed regulation will have an indirect economic effect on regulated businesses and industry; including the motor vehicle franchised dealers, auto repair facilities, auto parts suppliers and retail outlets, automotive fuel retailers and suppliers, and the motor vehicle manufacturers, however, only a generalized and qualitative impact on these businesses can be predicted. The requirement of selling an increasing percentage of ZEVs may increase costs and uncertainty over consumer acceptance for the dealers. Automotive dealerships may also expect vehicle service revenue to decline over time due to the greater reliability of and lower maintenance costs for electric vehicles. Costs for new non-ZEV vehicles may be higher due to the additional technology required for more stringent LEV emission standards. Manufacturers will incur compliance and reporting costs.

The proposed regulation will have a positive economic effect on the public. Prices of zero emission vehicles are likely to be initially higher than comparable vehicles, though prices are expected to achieve parity within the next five to seven years. However, repair costs of zero emission vehicles are lower over the life of the vehicle due to many fewer moving parts. Lifetime fueling costs of electric vehicles in place of petroleum-fueled vehicles are lower. In general, the requirement for increasing ZEV sales will provide a much larger choice of ZEV makes and models available to the public, and lower lifetime vehicle ownership costs. In the long term, the fleet transformation to low emission and zero emission vehicles will lead to significant reductions in GHG and criteria pollutants from the transportation sector. This is expected to provide significant societal benefits, especially for those Nevadans living in areas already impacted by air pollution.

The proposed regulation will have an economic effect on the Nevada agencies charged with implementing the regulation. NDEP will take the lead on this program’s implementation. NDEP will also coordinate with the Department of Motor Vehicles on the compliance and enforcement of the program. Initial implementation of the program will be done with existing staff, however, ongoing program implementation and future rulemakings associated with this program may require additional staff.

The Clean Air Act provides exclusive authority for the EPA to regulate emission standards from motor vehicles, with the exception of the state of California, which can adopt more stringent standards with the approval of the EPA through a waiver process. Other states can adopt California vehicle emission standards as long as they are identical to those adopted by California. This regulation propose**s** to adopt California standards for certain types of vehicle**s** and model year**s**, hence replacing the federal standards.

The proposed amendments are more stringent than what is established by federal law. Section 177 of the federal Clean Air Act, 42 U.S.C. Section 7507, provides states the option of requiring compliance with either federal or approved California emission standards for vehicles sold within their borders. This option is made available to states in order to facilitate additional emissions reductions that states can use to meet individual statewide emission reduction goals or Clean Air Act requirements

The proposed amendments do not address fees.

**Additional Information:** Persons wishing to comment on the proposed actions of the SEC may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 375 East Warm Springs Road, Suite 200.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (375 East Warm Springs Road, Suite 200), at the State Library and Archives building in Carson City (100 Stewart Street), the Nevada Division of Minerals, 400 W. King Street, Carson City, NV and the Department of Agriculture, 405 South 21st Street,
Sparks, NV.

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada as specified below. This notice and the text of the proposed regulations are also available on the SEC’s website at: <https://sec.nv.gov/meetings/sec-regulatory-meeting-september-1-2021> The proposed regulation denoted in this notice, is, or will be, posted on the Legislative Counsel Bureau's website at <http://www.leg.state.nv.us/register/> and also the Department of Administration’s website at <https://notice.nv.gov/>.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of Stephanie Simpson, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9312, no later than 5:00 p.m. on August 25, 2021.

This Notice was provided to or posted at the following Nevada county locations:

Carson City Library Lincoln County Library

900 North Roop Street 63 Main Street

Carson City, Nevada 89701-3101 Pioche, Nevada 89043

Churchill County Library Lyon County Library System

553 South Main Street 20 Nevin Way

Fallon, Nevada 89406-3306 Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District Mineral County Public Library

Director of Marketing and Community Relations P.O. Box 1390

7060 W. Windmill Hawthorne, Nevada 89415

Las Vegas, Nevada 89113

Douglas County Public Library Pershing County Library

1625 Library Lane 1125 Central Avenue

Minden, Nevada 89423-0337 Lovelock, Nevada 89419

Elko County Library Storey County Library - Closed

720 Court Street Posted at Clerk’s Office

Elko, Nevada 89801-3397 Address below:

Esmeralda County Library Storey County Treasurer and Clerk’s Office

Corner of Crook & 4th Street Drawer D

P.O. Box 430 Virginia City, Nevada 89440

Goldfield, Nevada 89013-0430

Eureka County Library Tonopah Public Library (Nye County)

10190 Monroe Street P.O. Box 449

Eureka, Nevada 89316 Tonopah, Nevada 89049

Humboldt County Library Washoe County Library System

85 East 5th Street 301 South Center Street

Winnemucca, Nevada 89445-3095 Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County) White Pine County Library

625 South Broad Street 950 Campton Street

Battle Mountain, Nevada 89820 Ely, Nevada 89301