

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
Public Workshop to Solicit Comments on Proposed Amendments to Nevada
Administrative Code Chapter 486A – FLEETS: USE OF ALTERNATIVE FUEL

June 8, 2016
9:30 AM

Great Basin Conference Room
4th Floor
901 South Stewart Street
Carson City

Video Conference to
NDEP Red Rock Conference Room
2030 E. Flamingo Road, Ste. 230
Las Vegas

MEETING NOTES

ATTENDEES:

Workshop Chairs:

Sig Jaunarajs, Supervisor, Mobile/Smoke/Area Sources Branch, BAQP
Joe Perreira, Staff Engineer, Mobile/Smoke/Area Sources Branch, BAQP

NDEP Staff:

Danilo Dragoni, Chief, Bureau of Air Quality Planning

Public:

Carson City:

Jon Kelley, Washoe County School District
Peter Krueger, Nevada Petroleum Marketers & Convenience Store Association
Rich Allen, Incline Village General Improvement District
Keith Wells, State of Nevada
Joe Lang, Nevada Department of Transportation
Tabitha Aspling, University of Nevada, Reno/Reno-Tahoe Clean Cities Coalition
Chris Lynch, University of Nevada, Reno/Reno-Tahoe Clean Cities Coalition

Las Vegas:

Marie Steele, NV Energy
David Johnson, Clark County
John Boris, Clark County
Joe Rajchel, City of Henderson
Stormi Decker, City of Henderson
Richard Hough, City of Henderson
Kevin Sanson, City of Henderson
Paul Shelley, Clark County School District
Tracee Scott, City of Las Vegas
David Bougsty, City of Las Vegas
David Bourn, Las Vegas Valley Water District
Peter Fitterling, City of North Las Vegas

Mike Hudgeons, City of North Las Vegas
Ken Blanchette, Clark County Water
Jim Gans, Chairman, State Environmental Commission

CALL TO ORDER

Mr. Jaunarajs called the Workshop to order at 9:30 a.m., introduced himself, and explained that the workshop is being run by the Nevada Division of Environmental Protection (NDEP), Bureau of Air Quality Planning. Mr. Jaunarajs noted that handouts were available and checked that they were available down in Las Vegas as well. He then welcomed everyone and asked that if anyone had a question to introduce themselves before stating their question. Mr. Perreira and Mr. Dragoni introduced themselves.

Mr. Jaunarajs explained that this is a workshop for proposed revisions to the alternative fueled vehicles in fleets program, NAC 486A. He reviewed the workshop agenda, noting that they would be walking through the regulatory adoption timeline, there would be a brief presentation highlighting the program's background and why there is a need for the proposed revisions, they will go through the proposed revisions, have a period of public comment and question, and then wrap up and adjourn. There were no changes to the agenda. Mr. Jaunarajs noted that if anyone had any questions at any point throughout the Workshop to feel free to state them.

Mr. Perreira described the regulatory adoption timeline for the petition. After the petition has been presented at the workshop, the NDEP will make any appropriate revisions and submit it to the State Environmental Commission (SEC). The SEC then will forward the petition to the Legislative Counsel Bureau (LCB), which reviews petitions for clarity and conformity to other state regulations; substance will not be changed. The SEC will post the LCB legal draft of the petition on its web site for public comment at least 30-days prior to the next SEC hearing, which will be held at 10:00 a.m. on Wednesday, October 12, 2016 at the Carson City NDEP offices.

If the proposed regulation is adopted at the SEC hearing, it will then be submitted to the State Legislative Commission. If the State Legislative Commission approves the regulation, it will then be sent to the Secretary of State to be filed, whereupon it becomes effective. There is not yet a date for when the regulation may become effective because the Legislative Commission does not meet on a regular schedule.

SLIDE PRESENTATION AND THE PROPOSED REVISIONS

Mr. Jaunarajs restated the purpose of the workshop is to present proposed revisions to NAC 486A, answer questions, and solicit comments from the attendees. This is a mandatory program that strictly applies to municipal fleets with 50 or more motor vehicles in counties with populations greater than 100,000. The objective of the proposed revisions are to update and modernize the alternative fuels in fleets program to reflect changes in alternative and conventional fuels, and in clean vehicle technologies available to regulated fleets. Mr. Jaunarajs then presented using the slide presentation.

The batteries in the recording unit died between the slide presentation and the walkthrough of the proposed revisions. The meeting was briefly halted while the batteries were replaced and the Workshop continued.

Mr. Perreira and Mr. Jaunarajs then walked through the proposed revisions. Slide 12 of the presentation was used to walk through each of the proposed changes.

QUESTIONS

During Mr. Perreira and Mr. Jaunarajs' explanation of the proposed revisions, the following questions arose:

Mr. Johnson asked if you purchase a reformulated gasoline (RFG) fueled vehicle in FY2017 and it doesn't arrive until FY2018, is it grandfathered because it was actually purchased in FY2017.

Mr. Perreira said that the NDEP uses the purchase date for compliance purposes, not date of delivery.

Mr. Jaunarajs explained that the reason RFG is being redefined in the NAC is for the purpose of grandfathering the vehicles purchased to use that fuel. It will no longer be defined as an alternative fuel.

Mr. Krueger expressed his concerns over the tightening of alternative fuel standards and especially RFG. He said that availability issues of the fuel might arise in the future.

Mr. Perreira answered by explaining that the definition of RFG that was being added in Sec. 2 of the proposed revisions is the exact same definition for the fuel that is being removed from the definition of Alternative Fuel in Sec. 3 of the proposed revisions, it is not changing at all. In terms of reducing the variety of alternative fuels, we do not view that to be an issue. NDEP has always been understanding of fuel supply issues and continues to work with fleets when they experience those problems.

Mr. Krueger Followed up by asking if the definition NDEP is proposing for RFG in this program trumps definitions that Clark and Washoe might have for the fuel.

Mr. Perreira answered by explaining that this is the only alternative fuels program in the state and it covers Clark and Washoe specifically.

Mr. Jaunarajs followed up by saying that this program does not cover conventional fuels available to the public; it is just for fleets subject to the program.

Mr. Johnson asked what changes, if any, would be made to the definition of a vehicle telematics system as it is currently defined in Sec. 6.

Mr. Jaunarajs answered by saying that something was going to be added to that definition.

Mr. Perreira added that there would likely be changes made to the definition as well as guidance that would be released providing specific examples of qualifying technologies. He concluded by saying that the NDEP was open to suggestions in changes to the definition should anyone have any.

Mr. Johnson said that's okay so long as there is some type of guidance of what is a qualifying vehicle telematics system. He would just like to see some clarification so that all of the fleets are on the same page.

An unidentified member of the public asked if you've got a vehicle that has a telematics system, does that vehicle need to be listed as a vehicle with a telematics system on the alternative fuel report?

Mr. Perreira said that was correct.

Ms. Scott asked whether simply installing a vehicle telematics system on a unit would denote that vehicle as a qualifying clean vehicle.

Mr. Perreira said that if you are implementing and utilizing a vehicle telematics system then yes it would qualify for the program.

During public comment and question, the following questions arose:

Mr. Allen asked if there were any plans to change the regulation on fleet size.

Mr. Jaunarajs answered by saying that fleet size was not considered at this point.

Mr. Perreira clarified by saying that the minimum fleet size is in statute and that any changes to the minimum fleet size would require going to the legislature and that at this point, the NDEP is not considering a change in statute.

Mr. Wells noted that fleets could just ask for a variance.

Mr. Jaunarajs clarified that the fleet would need to seek a variance for economic hardship or something the SEC does grant variances for, which does not include fleet size.

Mr. Allen said that there were a number of factors contributing to his fleet's size and that in looking at future fueling infrastructure projects this program is something that does weigh on how he plans for the future of his fleet.

Mr. Jaunarajs concluded by saying that as far as the minimum fleet size is concerned, for now we have to stick with it because it is in statute.

Mr. Bougsty asked if there would be credit given to purchasing alternative fuel vehicles in the nonregulated fleet.

Mr. Jaunarajs said that when the NDEP first started looking at changing the program, we considered going to something credit-based and that the door for credits has been opened in a way because we are offering something similar to credits for electric vehicles. Mr. Jaunarajs then asked if Mr. Bougsty was asking because his fleet stored alternative fuels in their fuel tanks.

Mr. Bougsty clarified by saying that he was just looking into other opportunities for his fleet to comply.

Mr. Jaunarajs said that this was something that they'd consider.

Mr. Allen asked about credits for plug-in stations as it was something that was mentioned early on in this process. He also stated that his fleet has performed these types of projects in the past and is wondering whether something like this will be available for program credit in the future.

Mr. Jaunarajs said that early on this was considered, but the NDEP stepped back from it. He recognizes that this is where vehicles are going and that this might be somewhere the program goes in the future. The NDEP heard early on that this was not something that many fleets wanted because they don't do that kind of work, they only build infrastructure for their own fleets. The initial thought was that building charging stations that were available to the public would be given credit but this was something that we walked back from. This would maybe be possible in the future so long as it maintained the intent of the legislature to clean up fleets.

Mr. Wells stated that if the NDEP intends to allow telematics then it should focus on anti-idling. He does not believe that you should be able to just buy and install a piece of equipment and have it count for credit. It should focus on reducing idling otherwise there is no significant reduction.

Mr. Jaunarajs asked Mr. Wells what specifically he was looking for in terms of monitoring idling and anti-idling programs in a fleet.

Mr. Wells said that if a fleet implemented telematics on its vehicles then there could be an anti-idling policy where you can't exceed 'x' amount of minutes in certain situations and you can run a report that tracks all of those exceptions.

Ms. Scott said that in order to enforce an anti-idling policy like Mr. Wells had described then you'd need to be able to discipline the drivers and that is something that fleet managers just don't do. She then stated that putting telematics on a vehicle does help. The roll of fleet managers cannot be to discipline our operators; we just don't have that authority.

Mr. Wells agrees that those are valid opinions but he doesn't even think that vehicle telematics have a place in this program.

Mr. Johnson said that he does believe telematics has a place in this program but he agrees that there needs be a definition that works for everybody and we all understand what will be done with the data that telematics produces

Mr. Jaunarajs thanked everyone for their comments.

Mr. Kelley asked about what happens after the 3-year waiver period, is the waiver reviewed again to see the availability of whatever that waiver was approved for.

Mr. Pereira asked whether he was asking specifically about the SEC granted variance or the 3-year grace period that these program revisions would offer to qualifying fleets.

Mr. Kelley clarified by saying that he was asking about the SEC variance and specifically about the availability of fuels.

Mr. Pereira answered by saying that fleets have to go before the SEC once again in order to “re-up” their variance from the SEC. It doesn’t just continue.

There being no more questions, Mr. Jaunarajs adjourned the workshop.

ADJOURNMENT

The Workshop was adjourned at 10:40 a.m.