



**Minutes of Advisory Sub-Committee on
Control of Emissions from Motor Vehicles**

Held on February 23, 2016 at 10:30 am

by Teleconference **from the** Nevada Division of Environmental Protection

5th Floor Mojave Conference Room

901 South Stewart Street

Carson City, NV 89701

to the Clark County Development Services

Conference Room 1222

4701 W Russell Road

Las Vegas, NV 89155

These minutes are prepared in compliance with NRS 247.035. Text is in summarized rather than verbatim format. For complete contents, please refer to meeting tapes on file at the Nevada Department of Motor Vehicles.

**THIS MEETING WAS PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS ON
February 17, 2016**

Department of Motor
Vehicles
555 Wright Way
Carson City, NV. 89711

Nevada
State Library
100 N. Stewart St.
Carson City, NV. 89701

Department of Motor
Vehicles
2701 E. Sahara
Las Vegas, NV. 89104

Clark County Department
of Air Quality
Management
500 Grand Central Pkwy
Las Vegas, NV. 89106

Department of Motor
Vehicles
305 Galletti Way
Reno, NV. 89512

Washoe County District
Health Department
1001 E. 9th St.
Reno, NV. 89512

Department of Motor
Vehicles Website
www.dmvnv.com

1. Call to Order by the Madam Chairwoman

A. Madam Chairwoman, Charlene Albee called the meeting of the Advisory Sub-Committee on Control of Emissions from Motor Vehicles to order at 10:30 am.

2. Roll Call

MEMBERS:	Representing	Present	Primary	Alternate	Voting
Al Leskys	CC-DAQEM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mike Sword	CC-DAQEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Glenn Smith	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Lee	DMV/CED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sig Jaunarajs	NDEP	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joseph Perreira	NDEP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charlene Albee	WC –AQMD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Daniel Inouye	WC-AQMD	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Public Introductions

INTERESTED PARTIES:

	<i>Representing:</i>
Robert Tekniepe	CC-DAQEM
Morgan Friend	DMV/CED
Faun Parks	DMV/CED
Ivie Hatt	DMV/CED
Araceli Pruet	CC-DAQEM
Robin Roques	DMV/CED
Steve Mayfield	DMV/CED
Quinn Winter	Terrible Herbst
Peter Krueger	Capital Partners, LLC
Lou Gardella	Jiffy Smog
Louis Lanuza	DMV/CED
Leo Carroll	Parsons
Rafael Arroyo	Smog Plus
Diana Gardella	Jiffy Smog
Art Jensen	JART
Andy McKay	Nevada Franchise Auto Dealers Assn.
Jeffrey Buss	EPA

4. Public Comments

- A. Art Jensen, JART: When discussing the fiscal impacts on the industry for what is being discussed as a proposed plan for emissions testing, it is the understanding that the calculations that are being represented are in the range of 17%. Art used the databases that he has access to and the calculations he was able to conclude was a 25% reduction in gas vehicles.

5. Approval of Agenda Order

- A. The Agenda was approved in the order it was prepared.

6. Approval of January Meeting Minutes

- A. The Madam Chairwoman opened the January 12th, 2016 meeting minutes for discussion and approval. The sub-committee approved the minutes as presented.

7. Review and Discussion of the Draft AB146 Report.

- A. Al Leskys with Clark County Department of Air Quality & Environmental Management (CC-DAQEM), anticipates the draft report will be ready for review by the end of the week. The report is currently broken out in the following sections:
- Executive summary
 - Introduction and background

- Testing and repair results
- Emission Reductions from Motor Vehicles
- Recommended changes to the testing program
- Fiscal Impact
- Recommended Special License Plate program
- Other Program changes and other considerations

Once the rough draft is ready for review, AI will send it to the executive admin assigned to the sub-committee for dissemination.

- **Q. Peter Krueger, (Capital Partners, LLC.):** How will the public access the rough draft report?
- **A. Charlene Albee with Washoe County Air Quality Management Division, (WC-AQMD):** Currently, the report is a rough draft. We are going to send it to the members first, and once it is something that is presentable, then we will release it along with the agenda for review.
- **Q. Peter Krueger, (Capital Partners, LLC.):** What is the timeline? When does the public have an opportunity to review?
- **A: Charlene Albee, (WC-AQMD):** The schedule that was adopted has a timeline of presenting the drafted report to our agencies individual boards in April. So, the draft will be ready for public review prior to that.

- B. The industry requested to have an opportunity to provide input on the report. The sub-committee plans to have a draft report provided with the agenda for the March sub-committee meeting. Industry members will be given a couple of weeks to review the draft and provide input at the April sub-committee meeting.
- C. Al Leskys, (CC-AQMD), will be sending out the draft report to the members of the sub-committee for review. Members have been advised to send all corrections, comments and changes to Charlene Albee (WC-AQMD) to be incorporated.

8. The Reports Recommended Changes to the Special License Plate Program

- A. Al Leskys, (CC-DAQEM) provided a drafted copy of the “Recommended Special License Plate Program changes” section of the report. The sub-committee reviewed the section and recommended the following changes:
 - Explanation of why there is a “Loophole” with the issuance of these special license plates. Detail what the 2011 Legislative Session change resulted in.
 - Show the rapid increase in the numbers before the change (2011) and then the climb in 2013, 2014 and 2015.

The DMV will provide the Classic Vehicle, Classic Rod and Old Timer registration data to AI for 2010-2015.
- B. The sub-committee discussed how to present the specialty plate portion of the report. Should the sub-committee make a recommendation or provide options with the ramifications to the

Legislatures? The sub-committee decided that a recommendation should be made. However, it should go to the full I/M Committee for a vote and then added to the report as a section.

- C. The sub-committee decided to bring the following recommendation forward to the full I/M Committee for a vote of support.
- Change the definition. (option #1)
 - Revert back to the old language with the exception of the mileage and where the initial test is performed. (i.e., Keep the 5000 mile exemption and require an initial emission test at the DMV emissions lab) (option #5)
 - Annual Odometer checks at an emission station. (option #3)
- D. The DMV will provide to Al Leskys (CC-DAQEM) the fiscal impact for option #3, the annual odometer checks performed at the emission stations. The fiscal impact will be for the vendor and DMV costs.

9. Fiscal Impacts to the Pollution Control Account and the Emissions Testing Industry for the proposed scenarios.

- A. The DMV prepared and submitted to Al Leskys the estimated fiscal impacts to the Pollution Control Account and the Highway Fund for the following recommended changes:
- Continuous Monitoring for Private Party Individuals
 - Remote Sensor Testing
 - Classic Vehicle Insurance Requirement
 - Testing Standard Changes
- B. Clark County committed to providing the fiscal impacts for:
- New Vehicle exemptions for both Clark and Washoe County
 - Test frequency changes
 - Clean Air Abatement Fee
- C. The sub-committee agreed that the fiscal impact of the report will be outlined in the following sections:
- Fiscal Impact to DMV – Programmatic
 - Fiscal Impact to the Pollution Control Account
 - Small Business Impact – Industry
 - Impact to the Motoring Public
- D. The Emissions Tester Council will be providing the small business impact to the sub-committee for inclusion in the report. Once the test numbers for “Change in Test Frequency” are available, Charlene Albee (WC-AQMD) will provide those to Peter Krueger (Capital Partners). Peter will distribute that data to the members of the industry that would require access to them. The industry will have the small business impact turned in to Charlene within the next three weeks (April 11th).
- E. The sub-committee discussed how to approach the switch from the Emission Certificate Fee, to a Pollution Abatement Fee. The Pollution Abatement Fee will be added to every vehicle registered in Washoe and Clark County. The Committee needs to determine the following:

- Only apply the fee to the registrations that currently require an emission inspection (Revenue Neutral)
- Apply the fee to all vehicles registered in Washoe and Clark County to fund clean air initiatives.
- Programmatic changes to DMV
- Programmatic changes Worldwide Analyzer.
- Check with the Attorney General's Office to determine if this fee is considered a new tax.

Sig Jaunarajs and Joseph Perreira with NDEP will work with Al Leskys (CC-DAQEM) on preparation of this fiscal impact section. DMV will provide the programmatic impacts for the requested changes for the department and the vendor.

- F. The sub-committee will analyze how to determine the odometer inspection fee. The Emissions Tester Council will submit an analysis and determination of what should be charged for an odometer inspection to Charlene within the next 3 weeks. The DMV will provide the programmatic fiscal impact for the department and the vendor.

10. Informational Item(s)

- A. Sig Jaunarajs (NDEP), received from Jeff Buss (EPA) information on how a change that we propose will be justified to EPA. Jeff provided a Federal Register Notice from Memphis, Tennessee eliminating their I/M Program. As part of that process they have to make an anti-backsliding justification to EPA that the elimination of the program is not going to have a negative impact on air quality. Sig is going to send it around to the members of the I/M Committee just as an example of what Tennessee had to go through to make that justification. Also, it speaks to the fact that there other places in the Country that are completely shutting down their I/M Programs and EPA is approving it.
- B. Ivie Hatt (DMV), introduced Faun Parks the new Administrative Assistant with the DMV.

11. Public Comments:

- **Q. Peter Krueger, (Capital Partners, LLC.):** Charlene, I just wanted to clear my mind, especially after discussion of the fiscal portion. There is a lot of work that needs to be done by the Air Quality Divisions, DMV and the Industry. Thank you for that. With timing, I believe that the legislation requires your final report to be due in July. Do you think that you have enough time to get this all sorted out, and presented to each of your agencies boards? Is that going to be before or after the I/M Committee general meeting where they are going to adopt an option?
- **A. Charlene Albee, (WC-AQMD):** The final draft is going to be submitted to the I/M Committee in April and depending on how it is received there we may need to call another meeting to get the final approval from the I/M Committee in the first part of June. The report will be presented by the sub-committee members to each individual agencies boards, but there is no requirement for those boards to approve the report. This is just basically an informational item for them.

- **Q. Peter Krueger, (Capital Partners, LLC.):** I would think that each of the local air agencies would have some thought on a program recommendation that is going to increase pollution? As opposed to what the industry believes is strictly an attempt by, and we have been told this by air quality officials, that the only reason you are going through this whole process is so that you don't have to go back to the Legislature every year and justify this program. Which is sad if that is what is driving this. So you are going to pierce the industry, because they are exempt at this level, degradation of air quality, keep your fee's the same and then the stated goal, by one of your officials to not have to go back to the Legislature every year and fight for this program. If that is the reason, that is tragic. For all of those of you that I have known for the 32 years that I have been doing this, it just doesn't ring true. That doesn't sound like that is what your mission is. Your mission is to serve and protect air quality, not to make it easy on yourselves in front of the Legislature. That is just how we feel.
 - **A. Al Leskys, (CC-DAQEM):** There will be rational for the increase in the report and you will be able to comment on those rationales. What we are doing is comparing our program with those in other States. In particular, other Western States. There is a section for cost effectiveness. EPA includes cost effectiveness as an analytical tool when they are passing major rules to determine what's cost effective and non-cost effective. In hearing about what happened in Memphis, Tennessee; there are reductions going on. Especially in Clark County with the last Reid-Gardner boiler closing down. So there will be more reductions from that, then an increase in the emissions associated with our recommendations. Also, if you look at the trends in Ozone and Carbon Monoxide, there is a clear downward trend. We have made enormous progress. EPA has already stated that they expect to see that trend to continue going down. So these changes are not a defense mechanism, it is an honest evaluation.
 - **Response: Peter Krueger, (Capital Partners, LLC.):** Yeah, I get that. But I have not seen any of this. So we will take you at your word and once we see the document, then we will know what it is. I am just saying, we are sitting here in a vacuum. The industry is part of the public, and from not having the information that you have; it appears that way to some of us.
- A. Lou Gardella, (Jiffy Smog): I just want to respond to Al. That is all good with the boiler closing down and the pollution level is going to go down, but common sense would say that if you are found in non-attainment, why would we do anything at all to increase pollution from motor vehicles. It defies logic. You have other areas that you are reducing, and that is great. What this committee should be doing is reducing pollution not increasing pollution. You can talk all you want, but apples to oranges, bananas to pears, you should not be increasing pollution. And that is exactly what this committee is focused on. The directive of AB146 is to update and modernize. Here I was being naive in thinking, here is a chance after all these years of going to the DMV suggesting things that we could tweak to make this program run better for us and the consumer. I came up with some recommendations only to get a resounding no because it would involve programming. And all this committee has done, is focus on reducing the frequency of testing. Whatever the reason is, it really doesn't matter. You should be taking every opportunity that you can to reduce pollution. It just defies logic that this committee would recommend something that increases pollution.
- **Response: Al Leskys, (CC-DAQEM):** I understand your concerns. When the rough draft comes out you will be able to read the rational and then comment.

- B. Art Jensen (JART): I wanted to comment on the certificate fees and how to maintain fee neutrality. I believe the certificate fees were set to fund the agencies responsible for the emission testing program. In order to get any changes through, you are probably going to have to get a buyoff from the DMV. Of course they are not going to buy off on a loss of income. So it seems that the plan is to reduce the responsibilities that they are being paid for by the certificate fees, but still make sure they are getting the same amount of money. From the industries observation, the bureaucracy is going to go on just fine. We are not concerned about what you guys are going to do. You can take some reduction, but the bureaucracy can't. Then transferring from a certificate fee to registration fee looks like a creative way to keep the income, without having the consumer getting worried about it because it will be transparent. They will not see it. So if you add in a little sarcasm, you might want to add in a way for the industry to keep their income and do it in such a way the consumer cannot see it. It is just kind of a funny way to look at the discussion as to how you are going to keep the income of the certificate fee to keep the DMV funded but we are going to reduce their responsibility. Less people to manage, less people to worry about, but we are going to make sure we get paid the same. It was just something that I wanted to throw out. It is hard to come up with any constructive way to say it, but it is an observation that would be made by the consumers and I figured that I would throw it out there.

12. Next Meeting and Adjournment

- A. The next I/M Advisory Sub-Committee meeting is set for Tuesday, March 22, 2016 at 10:30a.m. Meeting Location will be decided at a later date.
- B. The meeting adjourned at 12:26p.m.