



**Minutes of Advisory Committee on
Control of Emissions from Motor Vehicles**
held on October 20, 2005 at 1:00 pm
at the Grant Sawyer Office Building
555 E. Washington Ave. Las Vegas, NV. 89101

*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 OCTOBER 5, 2005.**

DMV
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

DMV Website
www.dmvnv.com

1. Call to Order

- A. Chairman Andrew Goodrich called to order the meeting of the Advisory Committee on Control of Emissions from Motor Vehicles at 1:05 pm.
- B. Committee introductions took place along with the public that was present.

MEMBERS PRESENT:

Andy Goodrich, WC-AQMD – Chairman
Dennis Ransel, CC-DAQEM
Dennis Taylor, NDOT
Lloyd Nelson, DMV
Robert Tekniepe, CC-DAQEM
Sig Jaunarajs, NDEP-BAQ
Steven Grabski, NDOA (Alternate)

MEMBERS ABSENT:

Cheng Shih, CC-DAQEM
Chet Sergeant, NDEP
Connie Anderson, TMRP
Daryl James, TMRP
Glenn Smith, DMV
Jennifer Carr, NDEP
John Koswan, CC-DAQ
Leif Anderson, NDOT
Ralph Felices, DMV-CED
Roxanne Johnson, NDEP
Vernon Miller, NDOA

INTERESTED PARTIES:

Brian Keraly, Smog Busters
Greg Cole, DMV
Mark Holladay, Jiffy Smog
Raul Miranda, WEP
Russ Lucas, Jiffy Smog
Tom Peters, MACTEC
Tony Letizia, NDOT

2. Approval of 04/26/2005 Meeting Minutes

- A. Minutes of August 23rd 2005 were approved with one minor correction to Page 2, Section 3, Subsection C,. The second bullet needs to be deleted.
- B. In the past Dennis Ransel has made the request to set up the minute's header for meeting minutes with a quorum outline similar to that of Southern Nevada Regional Planning minutes. The website was forwarded by Dennis but there was difficulty obtaining access. Dennis provided an actual copy of the minutes to pass on to Ivie Harper for reference.

3. OBD II Testing of Heavy-duty Vehicles - 11 vs. 15 Passenger Cars

- A. Glenn Smith briefed the committee on the conflicts between light duty diesel and gasoline classifications at the last I/M meeting. He would like the two classifications to agree. Lloyd Nelson met with the Administrators at the DMV to go over what language would work.

Recommendations:

- Drop classifications from 15 persons to 10 persons. 445B.426
 - Update NAC 455B.432 under passenger cars
- C. The Department of Motor Vehicles is not certain if the amendment would fall under DMV or DEP. Lloyd will contact LCB for clarification.

- D. The Committee moved to have Lloyd Nelson go forward with adopting the regulation changes. The motion was passed.

4. Kit Cars and I&M Continued from the last meeting.

- A. The Department of Motor Vehicles put out an inquiry on IM Solutions web server for information on kit cars. The Department also emailed 12 US States and British Columbia, Canada. In the information received back there was no consistency from State to State. A majority of the States test kit cars by the year of the engine, while others go by the year of completed assembly and title. The State of Nevada is currently testing by the year of the engine. If the engine is 1996 or newer we require an OBD harness and computer to be on the vehicle. The Department follows Federal EPA guidelines.

Recommendations:

- The Committee recommended that Lloyd Nelson make an appointment to meet with the Legal Department to see if I/M has statutory authority concerning tri-mobiles and kit cars. Findings will be presented at the next meeting.

5. Alternate Fuels & I&M Testing

- A. On 08/23/05, the I/M Committee passed the motion to have the drafted recommendations prepared by the Committee submitted to the DMV. The recommendations gave DMV an outline on how to proceed with the testing of alternative fuel vehicles.
- B. The Department would like to be able to do a 12-month pilot program to collect data before drafting Regulations. They would like for the 1968 – 1995 light duty vehicles to be tested at the DMV test labs and the 1996 and newer vehicles to be tested at privately owned emission stations. The Department wants to modify the test procedure by having 1996 and newer do the OBD test. If the vehicle did not pass then they will be sent down to the emissions lab for a complete inspection to make sure the vehicle meets EPA conversion specifications. If the vehicle passes the lab inspection than it will be entered into the exemption table and be tested with two-speed idle. Lloyd will check with Networking and the Analyzers to see if this is feasible.
- **Q.** (Lloyd-DMV) Do we need to go to the SEC for Regulations before we implement a pilot program? We do not have test procedures or standards approved by EPA. So if we do need to go to SEC first, what do we go with?
 - **A.** (Sig-DEP) We will work together with DMV to try and prepare something to take to SEC for their April meeting. We will first need to go through LCB in November.

6. Update on NAC 445B. Revisions

- A. Currently the DMV has five LCB files. Four of the LCB files are Chapter updates to 445B. This totals twenty-four Regulations that have been put through Workshops, received comments on and sent back to LCB for revisions. Public Hearings are scheduled

for November in both the North and South and the Department then hopes to move forward with adoption. The Department is also working on LCB file number R135-05, which addresses the I/M Advisory Committee regulations. Workshops and Hearings were held, comments were received and it was sent to LCB for proposed revisions. The Department is still looking to receive input on this file before it is sent in for adoption.

- B. Clark County has a couple of comments that they would like to submit concerning the grant process.
- C. The Committee requested Lloyd send a current copy of the proposed NAC 445B.830 as it stands for Committee review and comment. Lloyd will send a link to R135-05.
- D. Clark County requested that the DMV come up with a reporting system that will regularly inform the counties of the flow of excessive reserve grant. Clark County also suggested that this update become a regular agenda item.

7. Discussion on VID Contract and Program

- A. Currently the State purchasing Division is handling this contract. The Department of Motor Vehicles has signed confidentially agreements, which means we are unable to update you on the VID until negotiations are over.
 - **Q.** (Industry) I have two questions on the VID. How often does the contract come up?
 - **A.** (DMV) The State runs their contracts for approximately four years.
 - **Q.** (Industry) Is it possible for the district to give input as to what type of information they would like to receive out of the contract?
 - **Q.** (DMV) What type of input would you like to give?
 - **Q.** (Industry) With regards to the database, would this system have a terminal at someone's desk where we could pull up and get data on a periodic basis?
 - **A.** (DMV) That type of information I can get out on the Internet for you right now, but yes, we are going to have ad-hoc capability. There will be a lot more capability than we have right now.
- B. Once the contract is settled, DMV will come back and update the Committee what type of capabilities and training is being offered. They will also request that the vendor come to a meeting and give a presentation.

8. Discussion of Pollution Control Fund

A. Lloyd met with Troy Dillard, Administrator of Compliance Enforcement concerning FY06 budget. This year there was 4.5% more revenue that had come in Statewide, due to more vehicles being tested in the program. The 1st quarter distribution for Clark County is 259,200.00. Washoe Counties 1st quarter distribution is 74,300.00.

- **Q.** (Clark County) Would it be possibly to get this information on a quarterly basis? This would be helpful when we put together our projections for the budget.
- **A.** (DMV-Lloyd) I will set up a meeting with Troy to see if I could get this capability for the counties.

9. Discussion of Colorado State University Clean Air Conference Held in September

A. Lloyd and Sig attend the Clean Air Conference held in Colorado this year and briefed the Committee on where I/M Programs are going nation wide.

- ❖ Most people see that I/M Programs will be gone within the next 10 years because EPA models are giving less credit and emission reduction credits to the I/M Programs.
- ❖ The State of Utah instituted a LDD testing program for pickups. They tried to show it to EPA for SIP credits and EPA rejected it because they did not know what the effectiveness of it was.
- ❖ Cincinnati implemented a program for hydrocarbons. They looked at it and decided to put more controls on HC reduction, for instance focusing on body shops, which seem to equal the credits provided by the I/M program.
- ❖ Some Counties in Northern Colorado went from tail pipe testing to OBD. They saw that they would get the same amount of credits from doing OBD on 96 and newer.
- ❖ There are no credits for remote sensing and EPA is strongly against allowing credits for this. ERG did an extensive study in California and they gave a presentation on the clean screening testing. Clean Screening testing is when a vehicle drives through the RSD. If the car is found clean then it is not required to get the yearly test. This would allow for efforts to be focused on identifying and profiling the vehicles that are high admitters.
- ❖ EPA was present and did speak but they did not give us any vision or direction.
- ❖ ESP gave a presentation on the RSD they set up at the border of Mexico. The concern was the trucks coming out of Mexico did not meet US standards when coming across. They put the RSD up high and it made it easier for them to check the traffic coming through. They had 11,500 RSD readings and there was almost 18,000 trucks tested.

248 of the trucks tested put out four times the level of the rest. They found that 10% of the trucks put out 30% of the monoxide while the other 10% percent put out 30% of the smoke.

- ❖ Anchorage has a seasonal registration program.

10. Discussion of State Waiver Survey

- A. The Department of Motor Vehicles is looking for a recommendation from the Committee on the allowance or disallowance of an OBD waiver. There is inconsistency within the Department of Motor Vehicles. Right now regulations refer to tail pipe failures as being the only type of test that can receive a waiver. The Department conducted a statewide survey and of the 16 states that responded 11 allow OBD waivers. In EPA guidelines they recommend not issuing OBD waivers, but they cannot tell you not to.
- B. Clark County is concerned with how this would affect their SIP. If the State is getting more credit and the vehicles are cleaner without allowing the issuance of an OBD waiver than Clark County recommends not having it addressed. Until the assessments of the program are done, Clark County is not ready to change their SIP to allow more lenient rules.
- C. The Committee moved to not institute a waiver program for the OBD II programs at this time. The motion passed.

11. Discussion of Vehicle Pre-Testing at 1G Stations

- A. There is no doubt that when a vehicle comes into a 1G-inspection station the inspector is to test the vehicle, however under no circumstances are they to pre-test the vehicle. The question is arising, "If a vehicle fails the initial emission inspection and the owner goes and has some work done on it, are they able to go to a 1G test only emission station and have that 1G inspector put the vehicle on the diagnostic 4 gas mode or OBD II diagnostic mode and inform the customer if the vehicle is going to pass or fail before the test is completed?" Current requirements do not allow a 1G test only station to perform that function. If we allow them to start doing that function, will we be in violation of any regulation authorities?
 - **Q.** (Clark County) So what you are saying is a guy takes his vehicle home to do repairs on it himself and brings it back to a 1G test only station and says, "Hey will you check it out and see if I fixed it?"
 - **A.** (DMV) Right.

The problem we are running into is that the law already says that a 1G station may not diagnose, but we have 1G stations that are trying to build customer relations by telling customers that their vehicles are not going to pass and the reason why. The customer then takes the car home, fixes it and brings it back to see if it will now pass. The station then runs a second test and it looks like it will not pass, they interrupt the test and print the test

only screen for the customer or they will send them away without any kind of receipt, and some stations are collecting a five or ten dollar fee for this test. The law specifically says, "You will do an inspection if you are asked for one." The law also says, "You may only do an inspection that is needed for registration purposes." This is kind of a gray area. The Administrator of Compliance Enforcement would like for the Committee to give their opinion on what it feels would be a reasonable course of action. Should we change NAC, or does the Committee have suggestions as far as upgrades or procedural changes to the analyzers. Where do we draw the line?

- B. Clark County has a problem with trying to change the law and the rules when EPA clearly does not want the 1G inspectors to diagnose.
- C. Brian Keraly with Smog Busters informed the Committee that he is coming up on 10 years in business and when he started these types of tests were allowed to be done as a courtesy for their customers. He said that he has no idea that stations would charge for this courtesy but he and his company does not. He stated that he instructs the inspectors all of the time and they know that they are not to give advice or diagnosis. Some of his Stations even have it posted, "Do not ask, what is wrong with my vehicle." He said that CED may know a lot more than he does about what is going on out in the field, but he cannot be everywhere at once. The reason why this is being addressed is because, one of his inspectors ran a test for a customer and the vehicle failed. The inspector then checked out the vehicle and one of the CED Inspectors told him that he was not allowed to do that. My inspector has been around for a while and could not understand why. The inspector called Brian and he called Greg at DMV and Greg advised him that as long as he didn't give advice or diagnose, there should not be any problem. Then Brian called Kyle Moss with CED and he said that if he were to catch an inspector doing this, he would come after him. So I told the inspectors to stop performing this courtesy until this is cleared up. Brian has seen the printouts that the Department spoke of with directions for repairs written on it, but his inspectors are not doing that.
- D. The Committee supported what Brian had to say, but this is the first time they had heard this information. They have no data to act upon other than what they are being informed of now. The Committee had no problem with the stations offering this service if what they were doing was only a courtesy test, meaning no diagnosis was being given, no money was exchanging hands and no repairs were being offered because then it is not under the program. The Committee does have a problem with allowing this service to become part of the program. The Committee does not want 1G inspectors to give out any kind of recommendations and if they are, they should be in trouble. The Committee does not want to go and say to the stations that courtesy testing is no longer allowed because it has already been done for so many years.
- E. After hearing all of the discussion the Committee felt comfortable moving to make a recommendation to the DMV, stating that a written letter or policy should be drawn up informing the industry that courtesy checks were allowed, however if there is a charge, diagnosis or charging during the course of this service you will be in trouble with

enforcement. Courtesy checks are allowed to be done under the criteria of no pay, no diagnosis or repair recommendations. The motion passed.

12. Agency Comments

- A. Sig requested that after the meeting Clark, Washoe and NDEP stay to meet and go over Assembly-women Sharron Angle's sponsored bill. The Bill was on biennial testing and it was defeated in the last Legislative Session. Sig believed that Washoe County, Clark County and NDEP together was going to help her work on it, even though it was not an I/M issue. Sig feels that as a result it may need to come before the I/M Committee in the future. Clark and Washoe agreed to meet after adjournment of the I/M Committee meeting.

13. Public Comment

- A. Andy requested that in future meeting agendas, agenda item *Approval of Agenda* be added. Andy would like to see that the public has an opportunity to request agenda items out-of-order if they have something they would like to discuss.

14. Next Meeting and Adjournment

- A. The next I/M Advisory Committee meeting will be scheduled for January 10th or 17th at 10:00 am in Las Vegas.
- B. Dennis Ransel will reserve the meeting location.
- C. The meeting adjourned at 3:15