



**Minutes of Advisory Committee on
Control of Emissions from Motor Vehicles**
held on October 05, 2006 at 9:00 am
at the 7th Floor of the “University of Phoenix” Bldg.
333 North Rancho Rd. Room 780, Las Vegas, NV. 89106

*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 SEPTEMBER 26, 2006.**

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. 9 th 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 9:04 am.
- B. Committee introductions took place along with the public that was present.

MEMBERS PRESENT:

- Andy Goodrich, WC-AQMD – Chairman
- Dennis Ransel, CC-DAQEM
- Glenn Smith, DMV/CED
- Jennifer Carr, NDEP
- Lloyd Nelson, DMV/CED
- Robert Tekniepe, CC-DAQEM
- Sig Jaunarajs, NDEP-BAQ
- Vernon Miller, Nevada Dept. Ag.

MEMBERS ABSENT:

Cheng Shih, CC-DAQEM
Connie Anderson, TMRP
Daryl James, TMRP
Dennis Taylor, NDOT
John Koswan, CC-DAQ
Leif Anderson, NDOT
Ralph Felices, DMV/CED
Roxanne Johnson, USEPA – Ex-Officio

INTERESTED PARTIES:

Amy Levine, NMTA
Brian Keraly, Smog Busters-Nevada Emission Testers
Cleveland Dudley, NDOT
Daniel Inouye, WC-AQMD
David Resetar, ATDS Emission School-Nellis AFB
Gary Howell, CC-DAQEM
Greg Cole, DMV/CED
Hal Greene, DMV
Ronald Levine, NMTA
Russ Lucas, Jiffy Smog-Nevada Emission Testers
Shannon Rudolph, Nevada Dept. Ag.
Steven Grabski, Nevada Dept. Ag. – Alternate Member
Troy Dillard, DMV/CED

2. Approval of the Agenda

A. The agenda was approved in the order it was prepared.

3. Approval of minutes from 04/05/06 & 07/12/06

- A. Chairman opened the April 05, 2006 meeting minutes up for discussion, comment and approval. The Committee approved the minutes with the requested corrections as follows:
- Correct the Department name behind Roxanne Johnson from NDEP to USEPA and note membership as Ex-Officio
 - Correct dino to dyno on page 5, paragraph 2.
 - Correct IFG to RFG on page 5, section 6, paragraph A.
 - Correct transfer to transferred on page 8, second question.
- B. The Chairman opened the July 12, 2006 meeting minutes up for discussion, comment and approval. The Committee approved the minutes with the requested corrections as follows:
- Correct the Department name behind Roxanne Johnson from NDEP to USEPA and note membership as Ex-Officio
 - Correct the use of the word, “Argued” to “Concurred” on page 4, section E.

- Correct the word “loose” to “lose” on page 5, section B.

4. Status Report on Alternative Fuels

A. Lloyd Nelson with the Department of Motor Vehicles (DMV) reported to the Committee the outcome of the research conducted on alternative fueled vehicles and an update on the testing of such vehicles by DMV staff.

❖ **County Statistics for registered Alternative Fuel Vehicles based on the Departments research**

- Total registered Alternative Fueled vehicles (CNG & LPG) in Clark and Washoe County is 1159.
 - 937 of those vehicles are based in Clark County.
 - 222 of those vehicles are based in Washoe County.
- The majority of those vehicles are model year 1996 or newer.
 - Fleet breakdown of alternative fuel – 81% of the vehicles 1996 or newer and 19% of them are 1995 or older.
- Only 2 LPG fueled vehicles were registered and those were in Clark County. This number did concern the Department at first; however most of these vehicles may be bi-fuel which brings them into the program.
- There are 464 vehicles that are dedicated propane powered. The majority of these vehicles are owned by taxi cab companies.

❖ **Outcome of the Departments testing of voluntary Alternative Fuel Vehicles.**

- The Department was able to get some volunteered vehicles for testing of the OBDII monitors. The first model tested was the 1998 and 1999 dedicated CNG Honda's. The OBDII monitors reacted well to this particular model.
- Other CNG vehicles had issues with testing on OBDII, particularly the bi-fuel General motors products. The Gas portion tested fine on the OBDII readiness monitors. But once the vehicle is switched over to CNG, not all monitors react. This has also been experienced with the propane systems. Test procedures will have to be researched and written for these vehicles.

B. NDEP reported from the alternative fuel side of the program that the greater majority of the dedicated propane fueled vehicles are no longer dedicated due to issues with them becoming impossible to repair because no one works on them and parts for repairs are not available. So they are converting them over to RFG with the approval of NDEP. The Department agreed with NDEP, they reported that while they were testing the motor pool fleets they were notified that the fleets were looking at using other types of alternative fuels to use.

C. The Committee raised the following questions, “When you take some of the efforts that have been discussed in past, if these vehicles are brought into the program would the end result warrant the effort? Is there going to be improvement in Air Quality?”

D. The Committee researched the wording in the State Regulation before continued discussion on what their recommendation should be to NDEP. Regulations and wording reviewed by the Committee was:

- **NRS 445B.795**

Section 1; In a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under [NRS 445B.770](#) are required to have evidence of compliance upon registration or re-registration:

- **NRS 633.060 “Special fuel” defined.**

“Special fuel” means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including an emulsion of water-phased hydrocarbon fuel.

- **NRS 445B.770 Regulations of Commission: Control of emissions from motor vehicles; program for inspection and testing of motor vehicles.**

1. In any county whose population is 100,000 or more, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations for the control of emissions from motor vehicles in areas of the county designated by the Commission.

2. In any county whose population is less than 100,000, if the Commission determines that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles, and if carrying out the program is deemed necessary to achieve or maintain the prescribed standards for the quality of ambient air in areas of the State designated by the Commission, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency established under [NRS 445B.500](#) which has jurisdiction in a designated area, adopt regulations and transportation controls as may be necessary to carry out the program.

3. The regulations must distinguish between light-duty and heavy-duty motor vehicles and may prescribe:

(a) Appropriate criteria and procedures for the approval, installation and use of devices for the control of emissions from motor vehicles; and

(b) Requirements for the proper maintenance of such devices and motor vehicles.

4. The regulations must establish:

(a) Requirements by which the Department of Motor Vehicles shall license authorized stations to inspect, repair, adjust and install devices for the control of emissions for motor vehicles, including criteria by which any person may become qualified to inspect, repair, adjust and install those devices.

(b) Requirements by which the Department of Motor Vehicles may license an owner or lessee of a fleet of three or more vehicles as a fleet station if the owner or lessee complies with the regulations of the Commission. The fleet station shall only certify vehicles which constitute that fleet.

(c) Requirements by which the Department of Motor Vehicles provides for inspections of motor vehicles owned by this State and any of its political subdivisions.

5. The Commission shall consider, before adopting any regulation or establishing any criteria pursuant to paragraph (a) of subsection 3:

(a) The availability of devices adaptable to specific makes models and years of motor vehicles.

(b) The effectiveness of those devices for reducing the emission of each type of air pollutant under conditions in this State.

(c) The capability of those devices for reducing any particular type or types of pollutants without significantly increasing the emission of any other type or types of pollutant.

(d) The capacity of any manufacturer to produce and distribute the particular device in such quantities and at such times as will meet the estimated needs in Nevada.

(e) The reasonableness of the retail cost of the device and the cost of its installation and maintenance over the life of the device and the motor vehicle.

(f) The ease of determining whether any such installed device is functioning properly

- E. The Committee has researched, discussed and reviewed the process of bringing alternative fuel vehicles into the program since it was passed in the 2003 Legislative Session. It was agreed upon by the Committee the Regulation is good and it needs to stay in NRS, however bringing the current number of alternative fuel vehicles into the program now is not feasible or practical. Amy and Ron Levine the alternative fuel bill supporters with Motor Transport were present at the meeting and concurred with the Committee that this part of the Industry was diminishing and that the testing of the current numbers is not economically practical.
- F. The motion was made to recommend that NDEP draft up language for a proposed change to NAC and present it to the SEC. The language should include a 1% threshold of the total combined number of vehicles registered in both Washoe and Clark County before the allowance of testing on vehicles that run a particular kind of special fuel. All were in favor and the motion carried. Ron and Amy Levine with Motor Transport informed the Committee that they supported their recommendation.

5. Status on Regulatory Language Amendment for OBDII Vehicle Waivers

- A. Sig with NDEP noted that this agenda topic was addressed at the last Committee meeting. He has requested that the item be placed on the agenda for this meeting due to questions that need clarification.
- **Q. (#1)** Is it appropriate to give waivers on OBD vehicles 1996 or newer?
 - **Q. (#2)** EPA makes recommendations for programs that allow OBD waivers to increase the waiver repair rate along with the consumer price index. What is the Committee's view on that?
 - **Q. (#3)** Should there be a limit on how many waivers are issued? (One per year? One per register owner? One per lifetime of vehicle?)

- B. Question number 1 - Is it appropriate to give waivers on OBD vehicles 1996 or newer? The Committee addressed the discussion that took place at the last meeting. There currently is a conflict between NAC and NRS. NAC does not allow and NRS does. Since NRS supersedes NAC, there needs to be a revision made to NAC for the allowance of the waivers.
- C. Question number 2 - EPA makes recommendations for programs that allow OBD waivers to increase the waiver repair rate along with the consumer price index (CPI). What is the Committee's view? Currently under Statute repair waivers may be issued to a vehicle that in not able to pass an emission test after having \$250.00 worth of emission repair work done in Washoe County or \$450.00 worth of emission repair work done in Clark County. Washoe County agreed that the dollar rate should increase. What is being used to adjust the price of the repairs will need to be put into NAC. Washoe and Clark County were both in agreement to the cost of the waiver amount going up with inflation. The Committee recommended using the current waiver amount as the base and the price will adjust yearly along with the CPI.
- D. Question number 3 - Should there be a limit on how many waivers are issued? Waivers in Washoe County are currently being issued on vehicles because of a check engine light being on. The owner of the vehicle will take the vehicle down to the dealership, "who are the experts" to repair the issue and they cannot find a problem, but the light remains on. It was the recommendation of the Committee that if there are no limits in place now on non-OBD, and it is not being abused nor is it affecting Air Quality then there should be no limit placed on OBD. If an issue arises, then the Committee can review it and make the appropriate changes. It was noted that a waiver will not be given to vehicles with visible smoke. All smoking vehicles fail on a visual with no waiver option.
- E. This Regulation falls under the authority of NDEP. The Legislative cycle has already started so any amendments will be Temporary. To avoid having to send NDEP in front of the SEC on two separate occasions for the same Regulation, the Committee recommended that NDEP wait until permanent cycle begins on July 1st. In the meantime, the Statute states that waivers are allowed which makes the NAC invalid. Troy Dillard with the DMV stated that the Department could immediately implement a policy for the allowance of an OBD waiver. The Department will only be able to implement the current process as it is outlined in NAC, there will be no inclusion of the waiver repair rate adjusting with the CPI. A motion was made due to a conflict within NAC and NRS the Committee recommends that the Department of Motor Vehicles extend the OBD waiver to 1996 or newer vehicles. All were in favor and the motion carried. The Committee also motioned that NDEP develop language for a NAC revision to include OBDII waivers and provide for a CPI adjustment. The Committee also requested that the Department work with NDEP on the development of the language. All were in favor and the motion carried.

6. Idling Rule – NAC 445B.576 Sub-Section 4

- A. The trucking industry and number of individuals across the county are interested in having an across the board consistent idling law in all States. The Federal EPA held Workshops across the Country in 2004 and 2005 to get input from the States on what they would like to see in an idling law. From those Workshops EPA drafted a Model State Idling Rule. Since it is only a model there is no requirements for States to adopt model. The State of Nevada has an existing idling rule in NAC 445B.576 Sub-Section 4. Clark and Washoe County also have adopted an idling rule, if not of the same language pretty similar to one another in their County Regulations.
- B. The State idling law and Federal idling model are similar with a few differences. The State law allows idling up to 15 minutes where the Federal model allows idling up to 5 minutes. Both laws have very similar exemptions for engines that are being used for work. One of differences that the Committee was informed on was the Model law has an incentive program. If a Trucker is in a State that does not have a financial incentive program for Truckers to put on an APU (Auxiliary Power Unit) then there is no limit on how much idling time a trucker uses for comfort, eating and cooling. The idea behind that is for the States to adopt the incentive program and provide funds to truckers for putting on the APU's and if the State that adopted the incentive program already has an idling law then the Trucker is limited to that States idling time for comfort, eating and cooling.
- C. NDEP has no intentions at this point in time to adopt the Federal idling model however there was some interest in the Federal modeling law by Motor Transport. One of the biggest concerns among the Trucking Industry is having uniformity throughout the States. When driving from one State to the next the laws change. Motor Transport was discussing putting together a BDR for this Legislative Session but then decided to table it for now. They will be attending the NHTA meeting in November where there have been discussions on the development of a model idling rule for the 15 surrounding Western States. After Motor Transport researches what other options there are they requested to be able to re-present the topic at a later meeting.

7. Discussion of Possible Legislation Affecting I/M Programs

- A. Washoe County stated that they requested that item be placed on the agenda as a continuation item from the Committee's last meeting. The concern Washoe has is that there has been discussion of possible proposed changes to the duties of 1G and 2G stations. Washoe County is currently waiting on the approval of their County SIP and if there are any changes made to program that will affect the approval of the SIP. They are requesting that these changes wait until after the SIP approval and then they will review the recommendations.
- B. Troy Dillard with the Department of Motor Vehicles notified the Committee that the only BDR that he has seen that would have a direct impact on the Emissions Program is the language for an exemption of an additional year from emissions testing. Clark County did speak with the bill sponsor and the impression that was received the BDR would be

pulled, however this is the only BDR that has been placed by the sponsor so there also an indication that it would be left as a placeholder. Clark County did encourage that the particular language that is on the BDR should not be left as the placeholder and they do not expect for this BDR to move forward. Washoe County stated that this argument may be seen again during this session because California has some of the worst air pollution in the world and they have an every other year program. They also exempt far more years than we do. Clark County stated that is exactly why they are against the language. Clark County is able to attain the program standards and California is not. The air in California is known for having the worst air in the Country and they are having a lot of health issues as a result of it. California is also spending millions of dollars trying to resolve these issues by having a user reduction program. We don't have a user reduction program, we don't have to throw away 50 million dollars a year and we are able to meet the standards.

8. Update on Pollution Control Fund

- A. The Counties excess reserve requests went to the IFC and they were approved for the requested amounts. Clark County was approved for \$660,000.00 and Washoe County was approved for \$220,125.00.
- B. Fiscal Year 2006 closed out roughly at \$8,194,500.00. This was an increase for the Counties direct funds, along with what was available for grants. The projection for Fiscal Year 2008 has risen to 8.8 million Statewide and the projection for Fiscal Year 2009 is 9.2 million Statewide. Troy Dillard with the DMV did caution the Counties. Troy does not think that the excess revenues are going to be seen over and above like they have been the past couple of years. The projected numbers are based on a 4 – 5% growth projection and the trend has been declining the past 3 years. An increase in revenue but an overall decline in percentage.
- C. The Departments Vehicle Information Database (VID) project is moving forward and appears to be on schedule. The Department was able to fill the dedicated permanent ASIII Programmer position for the DMV unit responsible for the VID. The programmer that was contracted from DOIT back in July to work on the VID project has also made a lot of progress. Screens have already been designed and they are currently being tested. The writing of the licensing application and the structure of the application will not begin for another 2 months. Testing of connectivity is scheduled to start in December. Vendors have been met with and they are ready to participate in the program. All financial figures have been reviewed and again the Department does not see anything that was not foreseen when the VID project was discussed with the Committee.
 - **Q.** Sig – Troy is the plan to have everything ready by April and then switch over at that time?
 - **A.** Troy – Yes. There has been an insurance plan submitted and the Department did submit an extension for a 1-year contract with MCI/Verizon with specific wording clarifying a phase out. There are over 400 stations that will need to be switched over and we will not be able to do that overnight. There will be no contract extended with WEP; we are going to an open source. Interested vendors will need to submit their

analyzers to the Department for testing. Specifications have already been given to the companies interested in doing business in Nevada. Once the Department has a certified list of acceptable businesses it will be released to the Industry and the Industry may decide who they choose to do business with. The Department anticipates the list being ready by February.

- **Q.** Andy – The \$2.06 transmission fee that is going away, will that lower the cost to the Industry?
- **A.** Troy – The \$2.06 transmission fee per emission test is collected by emission stations and paid to MCI/Verizon for their services. This is how the VID services were paid. The transmission fee never stayed with the station.
- **Q.** Brian Kerala – The transmission that that is going away was only collected by the stations for MCI/Verizon. There is going to be an impact however to the stations for the required internet services and the addition of hardware and software. At one point I was under the impression that the \$2.06 was no longer going to be collected and sent to MCI/Verizon but that the station could still collect it as profit. I found that there is a law in place for a price increase. It comes out from the Department in the form of a survey that is done annually. So the fee cannot be automatically increased.
- **A.** Troy – Brian you are correct. There is going to be additional costs to the stations. You will have to provide high-speed Internet connectivity and there will be a change over in the equipment. The Department is not certain what those costs are yet. The machines however, are going to be much simpler than what you are currently using today and the problems and costs that you have been experiencing with consistent upgrades and changes in software will decrease tremendously. There is no change in the pricing structure itself. There has always been a maximum fee that has been set for the stations. The stations that do not charge the maximum fee will be able to add in that additional \$2.06 is they choose as long as they do not exceed the maximum cap. It will really boil down to businesses competing for business in the market.

9. Update on Clark County Voluntary Vehicle Repair Program

- A. Robert with Clark County reported that there was not a lot of change in the program since the last meeting. The volume has picked up but not as much as he had anticipated. Since June 1st there has been 140 vehicles that have come through the program, which only amounts to 50% of what was anticipated when the program had first began, however there has been significant reduction recorded in the Co and Hc.
- B. The Clark County Voluntary Vehicle Repair Program is funded through the DMV excess reserve grant. The grant amount of \$500,000.00 was to support the program for 1 year. Clark County has months of data collected and they are finding that they are only seeing 45% of the volume. At this point they do not feel that is a concern because in order to increase the volume they would need to loosen the programs criteria and that option is not being received. The program will continue throughout the year with the current criteria in place and if the rest of the grant is not used an extension will be requested.

- C. At this year Clean Air Conference Robert Tekniepe with CC-DAQEM gave a presentation on Clark County's Voluntary Vehicle Repair Program and there was significant interest in the program from the State of Texas. Currently there are three States that have such a program in place, California, Texas and Nevada. Texas likes Nevada's criteria for the program and has requested a copy of it for their use.

10. Public Comments

- A. Brian Keraly addressed the previous Committee discussion on pre-testing. Brian requested clarification on the process. Currently, if a vehicle comes in for an emission inspection and that vehicle fails, the station is allowing the customer to leave, do repairs and come back for another test to see if the vehicle will pass. The inspector does the test again in manual mode and notifies the customer of the results. Brian provided the Committee minutes from August 2005, when the issue was first discussed. The Committee recommended to the DMV that a written letter and policy should be drawn up informing the industry that courtesy checks were allowed under the criteria that no payment, diagnosis or recommendations are being made. That motion passed. Brian then provided an email from Troy Dillard, Administrator of CED at the DMV, dated September 2005. The email states, the term pre-test is being mis-used by the Industry personal. The event that is being referred to is the use of an analyzer in a diagnostic mode, only after a failing test has been recorded and a failed test VIR issued. This act is not clearly authorized or prohibited within the Regulation or Statute as such the intention is to submit the issue back to the I/M Committee and let them discuss and analyze within relationship to the SIP. A recommendation will be requested by the Committee and a request will be made to have that recommendation placed into Regulation so that everyone will have a clear understanding on the authorization or prohibition on this practice. Lloyd with the Department stated that he did contact EPA and was told that the Federal code states that that if a vehicle comes in for an initial test, absolutely no pre-testing can be done. The CFR's do not reflect anything specifically with regards to after repair pre-testing. In State Regulations, in you do a pre-test at any time it is considered a diagnosis. Since the station is using the manual mode in the analyzer they are making a manual determination as to if the car is going to pass or fail and that is a diagnosis. The Department did notify Brian that when the new VID comes out they have added into the machine specifications an option called a re-test qualifier. This will mean that the courtesy checks that Brian is requesting to do will be allowed after the initial fail of an emission test because then the analyzer will be making the determination.
- B. Sig with NDEP went to the Clean Air Conference and wanted to share with the Committee where the I/M programs are. A number of programs across the Country are becoming fragmented or hybridized. There are several States that have centralized programs where a portion or all of their programs go over to a decentralized program. There are questions that still continue on the effectiveness of OBDII testing. At least more than one presenter provided evidence on the testing of one vehicle first with OBDII and it passed and then again with a tailpipe test and found that it actually had higher emissions. California is going to allow part of their program to do OBD testing on 1996 and newer, but once the vehicle reaches 85,000 miles it is reverted to a tailpipe test. The

Federal Advisory Committee has reconvened and they have already had their first meeting. They informed those present at the conference that they will continue to help States that are experiencing problems with OBD testing of certain vehicle makes and models. There was more discussion on modeling and EPA pledged their continued support to the States with OBD and I/M Programs.

11. Next Meeting and adjournment

- A. The next I/M Advisory Committee meeting will be scheduled for Thursday, January 18, 2007 in Las Vegas. Robert Tekniepe will reserve a meeting location.
- B. The meeting adjourned at 12:00 pm.