



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

Held on April 14, 2015 at 1:30 pm

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

4<sup>th</sup> Floor Great Basin Conference Room

901 South Stewart Street

Caron City, NV 89701

**to the** Nevada Division of Environmental Protection

Red Rock Conference Room

2030 E. Flamingo Rd. Ste. 230

Las Vegas, NV 89119

*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  
APRIL 09, 2015**

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. 9 <sup>th</sup> St. Reno, NV. 89512	Department of Motor Vehicles Website <a href="http://www.dmvnv.com">www.dmvnv.com</a>	

**1. Call to Order by the Chairman**

Chairman Sig Jaunaraajs called the meeting of the Advisory Committee on Control of Emissions from Motor Vehicles to order at 1:31 pm.

**2. Roll Call**

<b>MEMBERS:</b>	<b>Representing</b>	<b>Present</b>	<b>Primary</b>	<b>Alternate</b>	<b>Voting</b>
Rodney Langston	CC/DAQEM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Russell Merle	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"/>
Robert Tekniepe	CC/DAQEM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shannon Rudolph	NDOA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Striejewske	NDOA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>MEMBERS:</b>	<b>Representing</b>	<b>Present</b>	<b>Primary</b>	<b>Alternate</b>	<b>Voting</b>
Ivie Hatt	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Glenn Smith	DMV/CED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jack Little	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allan Lal	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vacant	NDOT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	NDOT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sig Jaunarajs - Chairman	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"/>
Jasmine Mehta	NDEP	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sarah Hills	NDEP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeffrey Buss	U.S. EPA: Region 9	<input type="checkbox"/>		Ex Officio	
Julie Hunter	WC-AQMD	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daniel Inouye	WC -AQMD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charlene Albee	WC-AQMD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yann Ling Barnes	WC-AQMD	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3. Public Introductions**

**INTERESTED PARTIES:**

	<b>Representing:</b>
Troy Dillard	DMV
Donnie Perry	DMV/CED
Laurie Vandebroke	DMV/CED
Louis Lanuza	DMV/CED
Sarah Arrington	DMV/CED
Todd Pardini	DMV/CED
Steve Yarborough	Fleet Solutions
Lloyd Nelson	Interested Motorist
Peter Krueger	NV Marketers
Robin Roques	DMV/CED
Mary Carbajal	DMV/CED
John Pietrzycki	Smog Hut
Lou Gardella	Jiffy Smog
Jim John	Western Petroleum
Steven Weiss	Smog Hut
Quinn Winter	Terrible Herbst
Mike Prince	Terrible Herbst

**4. Public Comments.**

- A. No public comments for the Committee at this time.

**5. Approval of Agenda.**

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

## 6. Approval of Minutes from 01/13/2015 Advisory Meeting.

- A. The Chairman opened up the January 13, 2015 meeting minutes for discussion and approval. The Committee approved the minutes as presented.

## 7. Update on bills currently in the Nevada Legislature that would revise the I/M Program.

- A. **Sig Jaunarajs**, Committee Chairman: Briefly summarized the following three bills that have a direct impact on the I/M Program.
- **AB 146** – Would reduce the frequency of testing to every other year and increase the exemption for new vehicles from two years to four years. It would also double the certificate fee to \$12 in order to offset any revenue loss. As amended and passed by the Assembly Transportation Committee, the bill would exempt motor vehicles that were manufactured before 1996 from testing. The bill would also provide that a \$6 fee be collected for the first issuance of a license plate for those vehicles exempted by the bill (1968 – 1995 vehicles) and that fee would be added to the Pollution Control Account. All other provisions in the original bill were taken out.
    - **Charlene Albee**, with Washoe County Health District, Air Quality Management Division: Going to the sessions and submitting public comments, and then having this major change; it would be interesting to hear how that came about?
    - **Troy Dillard**, Director with Nevada Department of Motor Vehicles: Stated that he was approached by Assemblywoman Kirkpatrick in August of 2014, in an attempt to find a solution for the issue that has occurred with the classic vehicle plates being used strictly for the purpose of avoiding a smog test. Assemblywoman Kirkpatrick and Assemblyman Carrillo were working on trying to put legislation together in order to address what they call, “The Law of Unintended Consequences.” There were three or four different ideas on the table. AB 146 was not seen until it actually came over for fiscal analysis. At which time, according to Assemblywoman Kirkpatrick, she had attempted to reach out with regards to the OBD-only program, and contact was not made until after the bill had already been introduced. In my meetings with Assemblywoman Kirkpatrick, concerns that were discussed at the I/M meeting, with regards to the loss of the high-polluter vehicles, were addressed. As well as ways to offset the loss from TSI testing by looking at potentially on-road testing programs, mobile on-road testing and remote sensor type of testing. None of that has appeared in the bill at this point. Contact with her since then has not been made.
    - **Charlene Albee**, with Washoe County Health District, AQMD: Stated that she spoke with Assemblywoman Kirkpatrick after the session. She was very surprised that Washoe and Clark County both provided testimony in support of the bill the way it was presented. Assemblywoman Kirkpatrick expressed her appreciation and said that she was just trying to address those unintended consequences. It was quite a

surprise to see not only AB 326 come out with an exemption for all the pre-OBD vehicles, but also to see AB 146 amended. As a local air quality agency, the concern is that the grossest of the polluters that are responsible for 70 – 90 percent of the emissions, are the ones that are now going to be exempted from the smog program. This puts Washoe County in a difficult position with EPA. We will have to justify that we are not backsliding on the implementation plans and I/M programs, as well as creating a difficult situation, especially in light of the new lowered ozone standard.

- **Q: Peter Kruger w/ NV Marketers:** Has the DMV taken a position on the new AB 146?
- **A: Troy Dillard,** Director with Nevada DMV: No, we are neutral on the policy issues. I don't think we've taken a position on any of the emissions bills.
  
- **Q: Peter Kruger w/ NV Marketers:** Do you think that OBD-only is workable in Nevada, at this time?
- **A: Troy Dillard,** Director with Nevada DMV: OBD-only in Nevada is coming one way or another. The majority of the expenditures in the testing program, particularly for the station owners, come from the TSI side and not from the OBD side. So I think it's inevitable, it's bigger than just saying let's go to an OBD-only program, because the counties have very solid issues in relation to which vehicles are polluting. I don't know the implications if you strictly go to OBD and you don't do anything to offset accounting for those vehicles that are your gross emitters. What is that going to do in relation to the SIP's? I know that those concerns were discussed, as well as the SIP plans in place that are approved through the EPA and that any changes to those do have implications. There's been a diminishing account for the vehicle testing program along the way, and one of the things that we've also tried to do is to implement the active OBD for those that can utilize their OBD systems to report emissions without having to come in specifically once a year and do a static test. So we will capture those vehicles when they actually fail in the program. We're taking an active role in trying to holster that piece of it, which we were hoping would assist the counties in getting additional credits. These discussions took place with Assemblywoman Kirkpatrick and we continue to provide her information with regards to remote sensing and what the potential different programs of remote sensing could do to help identify those gross emitters and actually do something about them as well.

- B. Charlene Albee, with Washoe County Health District, AQMD: Shared with the committee, based on the analysis of the DMV registration numbers, Clark County is looking at an increase of 117,366 vehicles (9.7%) and Washoe County is looking at a net increase of 54,008 vehicles (17.9%) that would be exempted from the program. That's a significant number of vehicles. When you consider each of those older vehicles with the higher emission limits and the older operations not running and working as efficiently as a newer car, each one of those represents about 10 modern vehicles. Those are big numbers for potential impacts.

Mike Sword, with Clark County Air Quality: Concurs with Charlene Albee's comments. They have been noticing an ozone trend increasing by 1 PPB per year. So even with the existing standards at 9 percent vehicle fleet, that's out of control emission-wise.

- **Q: Peter Krueger** w/ NV Marketers: When you pass a bill that says we rely on remote sensing, what do we do next year and the year after until remote sensing is reality?
- **A: Troy Dillard**, Director with Nevada DMV: At this point, there is no remote sensing in any of these bills. The remote sensing was something that was provided as a potential necessary replacement if they're going to go to an OBD-only program by having some on-road testing of actual emissions of vehicles under real-world situations. There is no program that has been developed of how that would move forward or what that would look like at this point in time. It was literally just a discussion about if there has to be an offset to make sure that the EPA and the SIPs can stay in good condition. That's one of the potential things that would have to be looked at.
  - **Charlene Albee**, with Washoe County Health District, AQMD: Stated that this program is for the control of emissions. It is for air quality benefit. It is not in the best interest having a bill that goes against the air quality control of pollution and it's not in the best interest of the health and safety of the citizens of Washoe County.
  - **Russ Merle**, with Clark County, Department of Air Quality and Environmental Management: Second Charlene Albee's comments, as far as Clark County air quality concerns are. This bill is seriously affecting the CO maintenance plan and other SIP documents that are presently in place right now. We're in the business of clean air, and I don't see that happening with this bill.
- **AB 326** –Was amended and passed out of the Assembly Transportation Committee. This bill states that the DMV would be allowed to issue classic vehicle plates to passenger cars and light-commercial vehicles that were manufactured before 1996. It holds it at that year, so that newer vehicles would not be able to get the classic plates. The bill increases the rate of depreciation for older cars for the purposes of calculating the annual government services tax due when re-registering a vehicle.
  - **Jasmine Mehta**, with the Nevada Division of Environmental Protection: Stated that the smog check program is adopted into the state implementation plan. In order to change the state implementation plan to reflect any legislative changes, we would have to go through an anti-backsliding analysis to show that whatever changes are made here, would not worsen air quality. And as it is, unless we are able to make that showing, which would primarily fall on Washoe and Clark to do, EPA wouldn't approve that and the program would still be federally enforceable. The likelihood of EPA federally enforcing a smog check program is probably slim, but it certainly opens up the feds and the state to litigation from nonprofits and NGO's on that issue for failing to enforce a federally adopted, approved, and enforceable measure. There is the potential for a dichotomy between what's enforceable by the state and what's enforceable by the feds.
  - **Charlene Albee**, with Washoe County Health District, AQMD: Stated that there are some real implications here with both environmental and economic development that needs to be considered. We have a situation of being out of compliance with the federal SIPs. They do control the grants and it's not somebody to be out of

compliance with. We do everything we can to make sure they are happy with us, and this is contrary to all of our efforts.

- **SB 386** – Would require that prior to performing an emissions test, the inspector would look to see if the MIL was illuminated and if so would inform the owner and tell them that their vehicle most likely will not pass with the MIL on, at no cost to the customer.
  - **Q: Mike Prince** w/Terrible Herbst: Troy, the question is why is the state neutral on this bill?
  - **A: Troy Dillard** Director of the Department of Motor Vehicles: The bill has been amended, and we have taken the position specifically at the table on the bill. In fact, on this particular bill I have not seen the language from the amendment. So the discussion today is helpful, but I haven't seen this particular law. We provided testimonies on the bill when it was presented, that the bill violated the federal law in regards to submitting the vehicle for testing and it being turned away because the MIL light was on. So until we do a further analysis to see where the bill stands today, I can't tell you whether the state is going to take a position that it is bad for the environment or not. Everybody here knows more about this program than any of the lawmakers who are introducing these pieces of legislation. It is up to everybody who has an interest in the program, and in the quality of the air within our communities, to do their best to inform the legislators that are sponsoring these bills of what those implications, both good and bad, are. I absolutely urge you to contact the bill sponsors and try to provide them with the information so that they have a fuller and more comprehensive understanding of what the potential impacts of some of these pieces of legislation are.
- **Sig Jaunarajs**, Committee Chairman: Stated that these bills are still in play. The best place to direct your comments and input is through the legislative process.

## 8. Informational Item(s).

- A. **Ivie Hatt**, with the Department of Motor Vehicles, informed the committee that Allan Lal, Las Vegas Supervising Emission Control Officer, and a member of this committee, has accepted a new position as a Compliance Enforcement Investigator. Still working with the Emission Control Program, on the law enforcement side.
- B. **Troy Dillard**, Director of the Nevada DMV: Addressed a request to discuss the excess Reserve Pollution Control Account and potential sweeps. There's a \$6 fee that funds the Pollution Control Account. Of that \$6, there is \$1 that is specifically dedicated to the county from which the certificate is sold. The other \$5 goes into the state budgets of agencies that deal with environmental air quality impacts. The Legislature and the Governor determine what the needs are going to be for the biennium and that goes into the budget and gets approved. Whatever is over and above that is what is known as the excess reserve. This account is not a profit-bearing account. Historically, the counties would be able to apply for grants for specific purposes. That was changed so that the process altogether was eliminated and it gets split by the distribution value of accounts, automatically allocated for county air quality programs. When the state is looking to fulfill shortfalls, they look into accounts that hold

money that are over and above what their intended purpose is. There was an allocation that the DMV was going to be taking this money for other purposes. This account was looked at for potential sweeps of those excess reserves and it was determined not to be one of the accounts that they would look at for fulfilling those funds. There is no bill introduced to sweep funds out of this account. The potential amount of excess reserve at the end of the year is unknown, and is protected for county purposes so that they can plan for their upcoming budgets for the next year. Whatever the excess reserve is proposed to be at the end of the fiscal year, at this point in time will be distributed based upon the split between the counties.

- C. **Charlene Albee**, with Washoe County Health District, AQMD: Informed the committee that the Nevada Business Environmental Program has been funded to re-establish the Clean Cities Coalition for Northwestern Nevada. There has been really good response from RTC, Airport Authority, Washoe County School District, the Rocky Mountain Trucking Association and Fleets Management Association. It will be very beneficial once it's up and re-established so fleets can actually have support in going after DERA grants. Then we will actually be able to see some real emission reductions in the area.

#### **9. Public Comments.**

- A. **Lloyd Nelson** – Interested Motorist: There was a talk about a safety inspection on classic cars. Has that been eliminated? **Sig Jaunarajs** Committee Chairman, stated there was a discussion of having a safety inspection and that would somehow tie into this classic car issue, however this was being discussed by the Automotive Affairs Board. **Steve Yarborough**, with Fleet Solutions: stated that Advisory Board was discussing having a mileage inspection done on an annual basis for mileage verification and that would be incorporated into a safety inspection. This was just a suggestion that came up out of that Board as a way to help identify cars that are not truly classic vehicles, and to offset the numbers of vehicles that were taking advantage of the program. As many other states have an annualized or semi-annual or biannual safety inspection.

#### **10. Next Meeting and Adjournment.**

- A. The next I/M Advisory Committee meeting is set for Tuesday July 14<sup>th</sup>, 2015. Meeting time and location will be noted at a later date.
- B. The meeting adjourned at 2:50 pm.