



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

Held on January 12, 2016 at 10:00 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
January 6, 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 10:00 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 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 checked="" 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
Ivie Hatt	DMV/CED
Ann Yukish-Lee	DMV/CSD
Robin Roques	DMV/CED
Steve Mayfield	DMV/CED
Laurie Vandebrake	DMV/CED
Lou Gardella	JIFFY SMOG
Louis Lanuza	DMV/CED
Rafael Arroyo	SMOG PLUS
Diana Gardella	JIFFY SMOG

4. Public Comments

- A. There were no public comments.

5. Approval of Agenda Order

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

6. Approval of December Meeting Minutes

- A. The Madam Chairwoman opened the December 15th, 2015 meeting minutes for discussion and approval. The Sub-Committee approved the minutes as presented.

7. Verification of Classic Vehicle Insurance Renewal Process

- A. Al Leskys with Clark County Department of Air Quality & Environmental Management (CC-DAQEM), explained his finding in regards to the problem the State of Nevada has with the 21,680 classic and old timer vehicles exempted from emission testing through the existing statues and regulations. He stated the only State in the southwest he could find that has an insurance policy is the State of Arizona. Arizona statutes state, "if an insurer notifies the Department of Transportation of cancellations or non-renewable collectible vehicles or classic automobile insurance coverage for a collectible vehicle; the Department of Transportation shall cancel the registration of the vehicle and the vehicle's exemption from the emission's testing pursuant to this section, unless evidence of coverage is presented the Department of Transportation within 60 days." Mr. Leskys suggested the State of Nevada should have a regulation that required classic vehicle insurance using similar language.
- B. Charlene Albee with Washoe County Air Quality Management Division (WC-AQMD), stated when you sign up for classic vehicle insurance you are informed by the insurance company upfront what the limitations are. You are limited to certain amount of mileage per year and

you must submit a picture of your vehicles odometer. However, this is only an initial requirement. There is no actual verification. However, if that car gets in an accident and they go to cover it, the first thing they are going to do is verify that mileage. So, if the vehicles is being used inappropriately then the insurance companies are not going to cover anything.

- **Q. Charlene Albee, (WC-AQMD):** So by requiring classic vehicle insurance, do you have to come to the counter to renew, or can they do it online?
- **A. Ann Yukish Lee w/ Department of Motor Vehicle (DMV):** The renewal process for classic vehicles is manual. You either have to come in or submit it through the mail.

- **Q. Charlene Albee, (WC-AQMD):** If classic vehicle insurance is required, is this something that could be checked by the technician that is processing the transaction?
- **A. Ann Yukish Lee, (DMV):** Yes, that is something that can be done, but there is a programming cost. My concern because I am simply thinking about the insurance requirement, is that this would become a plate requirement because they would still be required to maintain their liability insurance.

- **Q. Glenn Smith, (DMV):** How much programming would be required other than a checkbox or something along those lines, verifying they do have classic insurance?
- **A. Ann Yukish Lee, (DMV):** To you and me, it sounds like a really simple fix, just add a checkbox that verifies the vehicle has classic vehicle insurance. But as we talk, you are also wanting to enforce this requirement. So you are going to need a report that shows how many vehicles have those classic plates and how many vehicles sent in their classic vehicle insurance. We are going to want to capture the insurance information and have that information available for enforcement purposes. So, is it as easy as a checkbox? No, it is not.

- **Q. Al Leskys, (CC-DAQEM):** Arizona's enforcement mechanism appears to be on the lenient side. Their statute states, "if a classic vehicle insurer notifies the Department of Transportation of the cancellation or non-renewable collectible vehicles, the Department of Transportation shall cancel the registration of the vehicle." How would we enforce this in Nevada?
- **A. Ann Yukish Lee, (DMV):** It sounds like there is a communication mechanism between the insurance companies and the Department of Transportation. This means we will need to set up that communication process. Currently, Nevada Live is all web-based transactions. If an insurance company tells us halfway through a registration cycle that the customer failed to renew the policy then that is going to be a flag on the system. After 60 days from receiving notification from the insurance company we cancel the vehicle registration. Along with this process there is a mailing notification to the registered owner notifying them that we are going to cancel the registration. It is a huge programmatic undertaking for this process.

- **Q. Rafael Arroyo, w/Smog Plus:** I do registration services and I have registered many vehicles with classic vehicle insurance and they confirm through Nevada Live, no problem. I really do not see how it is such a huge issue?

- **A. Ann Yukish Lee, (DMV):** Nevada Live is an insurance piece. What you are moving towards is requiring a type of insurance for a plate. We need to separate apples and oranges here because again, Nevada Live is insurance. You are required to have that vehicle be insured while it is registered. If classic vehicle insurance covers that then that is what it covers. Now what you are saying is that I need to have this classic vehicle insurance to maintain this plate. It is a complete other process. So, it's going to need to have programming with that knowledge behind it. You are going to suspend a plate because they don't have the classic insurance, but they might have other insurance that covers their liability insurance so it's going to be cancellation of the plate, not a suspension of the registration.
- C. The Sub-Committee recommended putting into the final report the following options to assist with cleaning up the classic vehicle issue:
- An affidavit stating they have not exceeded the 5000 mile limit.
 - Language that allows for an affidavit of classic vehicle insurance.
 - Language requiring classic vehicle insurance.
 - Implement a visual odometer verification done at an emission station.
 - Secondary vehicle requirement.
 - Remove the honor system.
 - Implement random classic vehicle odometer audits.

8. Confirmation of Case Sensitive Log-In for VID System

- A. Glenn Smith, (DMV) In the last meeting, a member of industry was having issues with their inspectors getting locked out due to what they believed to be a case sensitivity issue with passwords. This issue has been tested on the analyzer and the passwords are not case sensitive. The only reason an inspector will be locked out, as far as them logging-in is they either forgot their password, the station possibly has a defective keyboard or it is someone else trying to use someone else's log-in.

9. Update and Discussion of Outcomes from EPA Conference Call Regarding SIP Implications.

- A. Charlene Albee, (WC-AQMD) Informed the Committee that they had a conference call with EPA Region 9 on the State Implementation Plans (SIP) implications. EPA pointed the Committee towards the State of Arizona as an example for changing their I/M program. We were reminded that the State legislature is the ultimate authority in the state and they will enact what is felt appropriate for the state. Following Legislative changes, it will be up to the air agencies to see if there are requirements to amend the SIP's. The guidance received was to take a look at the whole picture. Clark County already participates in the Ozone Advance Program, while Washoe County is considering a commitment. There are new tier standards coming in for fuels, vehicle standards and a clean power plan. After looking at the whole picture, EPA would not give any affirmation as to where our program would stand. The most valuable information that was taken from the conference call was the advice to move forward with a backstop measure in the event we go from marginal non-attainment to moderate non-attainment.

- B. Sig Jaunarajs with Nevada Division of Environmental Protection (NDEP) stated the counties would have to demonstrate for any one of the criteria pollutants that any change as a proposal of this study would either not violate or increase the National Ambient Air Quality Standards (NAAQS) or level of pollutants in that city or county. The counties would have to demonstrate that through modeling, proving that any potential increase that would be modeled for instance moving to biennial testing program; would be offset by a decrease that comes from one of the other programs. In 2017, Tier 3 Automobile Emission Standards are going to be implemented. This means that the gasoline fuel is going to be cleaner and the emission standards are going to be tightened. It was pointed out by EPA that the timing of this new program was very important because of the new ozone standards, which Clark and Washoe County may be in violation of. If the proposed change is made before the county goes into violation and the Governor officially declares that county in violation, then the change could be made.
- C. Charlene Albee, (WC-AQMD) the new ozone standard came out in October 2015. Recommendations for our attainment status are due October 2016. EPA has until October of 2017 to actually make those designations. Once they make that designation, there are different levels of non-attainment. If we are just barely out of the standard then we would be declared marginal non-attainment. All of EPA's modeling and scientific analysis indicates that most areas that are marginal non-attainment will come into attainment at the standard by 2020 with just the federal rules coming in. If in 2020 we are not in attainment, then there will be an increase to your attainment designation from marginal to moderate. Air agencies in the marginal status will be required to have SIP plans to bring them back into attainment. This is when all of the additional control measures will come into place. This means in 2020, if Washoe or Clark County is not meeting the new ozone standard, we will be required to come up with a maintenance plan bring us back into attainment. Any changes that we made as a result of this study will need to be changed back. These are issues that we need to be considering.

10. Review the Report Outline and Assign Sections for Development

11. Discuss Development of Potential Fiscal Impacts.

Agenda items 10 & 11 were taken together.

- A. Charlene Albee, (WC-AQMD), based on the project timetable, we are ready to move forward with the drafted development of the report. Al Leskeys with, CC-DAQEM will be responsible for generating the report with contributions coming from WC-AQMD, NDEP and the DMV.
- B. Sig Jaunarjas, (NDEP) stated that the fiscal impacts of each of the report recommendations will need to be developed and included. DMV and Nevada Department of Agriculture (NDA) will need to provide assistance with program implementation costs.
- C. Sub-Committee members have each been assigned the following:
 - NDEP has provided an introduction, purpose of the study and program history that will be included in the report. Additionally, they will add an update on the new ozone standards with contributions from both WC-AQMD and CC-DAQEM.

- DMV will provide a summary of the failure rates and the total number of vehicles tested for calendar year 2015 in the same fashion as it is provided to EPA.
 - Each agency that receives funding from the pollution control account will identify what their agency uses the funding for.
 - CC-DAQEM will outline all the options the Sub-Committee put forth pertaining to the Classic Vehicles to allow for the Legislatures to pick the one that best suits the State.
 - WC-AQMD recommended a pollution control abatement fee for all registrations in both Clark and Washoe County and eliminate the \$6.00 emission check fee. WC-AQMD will obtain a legal opinion as to if this will be considered a new tax based on how the fee is being collected and renamed.
 - WC-AQMD and CC-DAQEM will prepare a backstop as a contingency measure. This will explain if an area falls out of attainment, then the program will need to return to an annual testing program.
 - WC-AQMD and CC-DAQEM will detail the recommendation to change the annual testing cycle by listing separate options and identifying the impact of each.
 - The DMV will prepare the recommendation for Continuous Monitoring of privately owned vehicles and the fiscal impact on the state.
 - The DMV will prepare the recommendation for Remote Sensing and the fiscal impact on the state.
 - The DMV will prepare the recommendation for heavy duty gasoline, light duty diesel and heavy duty diesel testing.
 - The DMV will submit the written comments brought forward by the industry and the answers for the report.
 - WC-AQMD and CC-DAQEM will put together the process for the SIP's and EPA approval.
- D. The Industry recommended eliminating the max emission test fee as defined by NRS and NAC. The Sub-Committee could not come to terms with the reasoning behind this request. The max rate is set higher than the fee's that the stations are currently charging. The Sub-Committee was not in favor of this recommendation and it will not be included in the report.
- E. Assignments need to be submitted to Al Leskys by February 16, 2016.

12. Informational Item(s)

- A. As a follow up from the last meeting, Glenn Smith with DMV was tasked with providing the numbers of heavy duty gasoline powered vehicles, light duty diesel vehicles and heavy duty diesel vehicles in Clark and Washoe County. Glenn stated that in CY2015 there was 6,943 heavy duty gasoline powered vehicles and 70,608 light and heavy duty diesel vehicles.

13. Public Comment

- A. There was no public comment.

14. Next Meeting and Adjournment

- A. The next I/M Advisory Sub-Committee meeting is set for Tuesday, February 23, 2016 at 10:30am. Meeting location will be noted at a later date.
- B. The meeting adjourned at 12:12 pm.