



**Minutes of Advisory Committee on
Control of Emissions from Motor Vehicles**
held on January 18, 2007 at 9:30 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 JANUARY 11, 2007.**

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 9:30 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

MEMBERS ABSENT:

Cheng Shih, CC-DAQEM
Connie Anderson, TMRP
Daryl James, TMRP
Dennis Taylor, NDOT
John Koswan, CC-DAQEM
Leif Anderson, NDOT
Ralph Felices, DMV/CED
Roxanne Johnson, USEPA – Ex-Officio
Steven Grabski, Nevada Dept. Ag.
Vernon Miller, Nevada Dept. Ag.

INTERESTED PARTIES:

Brian Keraly, Smog Busters-Nevada Emission Testers
Corky Elliott, Terrible Herbst
Debra Perry, Public – Private Collector
Garrett Gordon – Lewis and Roca
Mike Prince – Terrible Herbst
Peter Krueger – NV. Emission Council
Shannon Rudolph, Nevada Dept. Ag.
Troy Dillard, DMV/CED
Wayne Frediani, NFADA

2. Approval of the Agenda

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

3. Approval of minutes from 10/05/06.

A. Chairman opened the October 05, 2006 meeting minutes for discussion, comment and approval. The Committee approved the minutes with the following requested amendments:

- Page 3 (4A) on the 3rd bullet point down change bio diesel to bi-fuel.
- Page 3 (4A) in the 2nd paragraph, 2nd bullet point change bio diesel to bi-fuel.
- Page 5 (E) change “particle” to “practical.”
- Page 10 (B) add the word “to” after, “program.”
- Page 7 (B) Change the meaning of APU to “auxiliary power unit.”
- Page 9 (C) Change “Counties” to “County”

4. Emission Requirements for Specially Constructed Vehicles (Kit Cars)

A. The Department of Motor Vehicles requested that this item be placed on the agenda on behalf of Lewis and Roca. Garrett Gordon with Lewis and Roca was present at the meeting and addressed the Committee on the issue that his client is having with the

Nevada emission testing requirements for “Kit Cars” and discussion of the Bill that the Firm plans to present in the next Legislative Session. Garrett defined Kit cars as vehicles that are built from a kit not a licensed manufacturer. The kit that is purchased includes a pre-fabricated body with chassis. An older engine or a replica of an older engine is then placed in the kit car. 9% of the engines that are being put into these kit cars are “Pre-1960.” Garrett stated that there are very small amounts of these kit cars being built and sold in Nevada. The majority of these vehicles are being used primarily as a second or third form of motor transportation, such as a Sunday vehicle. The mileage is kept very low. The issue with these kit cars is they cannot meet the emission standards for Washoe and Clark County. So the owners of these vehicles are registering them in the outlining Counties that do not require emission inspections. Garrett was not certain of the language that will be drafted for the Bill however; Lewis and Roca would like to additionally tie into that language a Senior Citizen exemption from registration under a low mileage clause. This will aid the seniors living on fixed incomes.

B. In the course of research that was performed by Lewis and Roca, it was found that these issues have been addressed in Statute in other States. Some of those provisions that have been made by other States for kit cars are:

- **California** – In California, there is an exemption that is limited to 500 kit cars per year. The owner of the vehicle has to bring the vehicle down to the DMV and they are given the choice of either having the inspector determine the model and year of the vehicle based on the Vehicle Model or the Engine.
 - **§ 44017.4. Subsection (1)** In determining the engine model-year, the referee shall compare the engine to engines of the era that the engine most closely resembles. The inspector shall assign the 1960 model-year to the engine in any specially constructed vehicle that does not sufficiently resemble a previously manufactured engine. The referee shall require only those emission control systems that are applicable to the established engine model-year and that the engine reasonably accommodates in its present form.
 - This same language applies if you were to choose the option of using the vehicle model year.
- **Colorado** – In Colorado kit cars are not included in the definition of a motor vehicle. Only motor vehicles are applicable to the air programs. Since kit cars are not defined under the definition of a motor vehicle they are exempt from emission inspections.
- **Texas** – Texas allows what is called a low mileage exemption for vehicles traveling less than 5,000 miles per year.

Garrett invited any input or opinions that the Committee would like to offer.

C. In California these vehicles are registered as Specially Constructed Vehicles and the renewal period is limited to the first 500 vehicles. That limitation is a flat rate for the entire State. If you are not renewed within that first 500, you are not able to drive that vehicle for the year. Based on research performed by Lewis and Roca there is currently only approximately 100 of these vehicles in Nevada, so they would recommend that a limitation of 100 vehicles be set for the State of Nevada. Clark County was not in favor of the limitation due to the differences in ratios. Clark stated that the numbers would have to be looked at.

- D. In Texas these vehicles are exempt from emissions under a low mileage exemption. If the mileage is under 5,000 per year, no emission inspection is required. Nevada currently has a low mileage exemption in place for Classic Vehicles. A Classic Vehicle is a vehicle that was manufactured more than 25 years prior to the date of application. If a Classic Vehicle is not driven more than 2,500 miles a year it qualifies for an emission exemption. These vehicles have to be renewed in person on an annual basis. During the initial application the odometer is checked and every year there after the customer is required to complete an affidavit certifying that the vehicle has traveled 2,500 miles or less per year. Lewis and Roca would recommend that the mileage limit be set for 5,000 per year for these vehicles.
- E. The majority of the vehicles that are seen at the DMV Emissions Lab are configurations. This is where the engine is taken from a vehicle out of a junk yard and placed in an assembled vehicle. These are more commonly seen than that of a replica engine. As a rule of thumb for these assembled vehicles the Department bases the emission requirements on the year that the engine was made. Lewis and Roca's clients are taking new engines (2007) and placing them into a (1976) kit car body or placing replica engines into replica bodies. The clients of Lewis and Roca have paid high dollar for their vehicles and they are not driving them everyday. They are seen by their owners as a classic vehicle type, however they do not comply with OBD requirements. They are looking for some sort of an exemption that will meet certain criteria, not an exemption in general. In order for the Committee to provide input or opinions, they requested that Garrett provide them with more information on what the clients are driving, what they are making or what is being manufactured, along with the laws that he briefed the Committee on for California, Colorado and Texas. The Counties would also be interested in seeing what language has been drafted for this bill. The Committee requested that this item remain on the agenda, however the bill will have already been presented to the legislatures before the Committee meets again. The Counties then requested that Garrett send them the information or remain until after the meeting for further discussion. If needed an additional meeting may be set for them to discuss this topic further.
- F. Lloyd with the DMV brought up a phone call that he had received from one of the Las Vegas DMV's. The Supervisor had a customer that was unable to register her 1965 Shelby Cobra 40th edition anniversary replica car because the vehicle could not be emission tested. The customer's name was Debra Perry and she was present at the meeting and addressed the Committee. Debra Perry is a collector and she has not been able to renew the registration on this vehicle because when it was initially registered, it was registered as a 2004 ASVE (Assembled Vehicle), model 1965 Cobra. Even though the engine was built in 2002 it is a true replica of the 1965 engine. The vehicle has a replica engine, replica body and it is stamped with the manufactures matching CSX cereal number for the 1965 Shelby Cobra. Debra stated that she has a letter from Carol Shelby and she read a couple of portions to the Committee.
- **Letter:** *I have commissioned 40 vehicles to be manufactured as an authentic 40th anniversary limited addition Shelby Cobras. Of these 40 authentic 1965 Cobra model series you have the (model) (Series). It states that your very special limited edition*

Shelby Cobra has been manufactured by Shelby Parts Automotive Inc. and Shelby America Inc. It also states in this letter that it is a true replica.

The engine was built using the blocks that Carol Shelby started using back in 1965. He cleaned them up and rebuilt these vehicles. The Las Vegas DMV referred Debra to the Emissions Lab because she is unable to have it emission tested. There she was advised to have the vehicle equipped with an OBDII system to test. Lloyd stated that this was not feasible. There needs to be a distinction between kit cars and replica cars. The Department has been working on a Policy for over a year now but nothing can be established due to lack of input or guidance from EPA and both Washoe and Clark County. Debra stated that this vehicle is only driven about 100 miles per year to keep the engine in working order, it is part of a collection.

- G. According to EPA's Kit Car Policy, there are provisions for vehicles that are assembled using a body and then an engine from a certified configuration. They must remain in compliance according to EPA, because the engine was once certified. But there are no provisions for buying a body and then buying an engine like Debra did with her replica. The line is split. The Department believes that the replica vehicles like Debra's may be addressed through a Policy change if the owner of the replica is able to prove that the vehicle is for a fact an existing configuration before the smog year. Andy with Washoe County stated that the emissions in an uncontrolled 1965 engine puts out huge amounts of hydro carbons and carbon monoxide, but there are so few of them in the State and if they are in fact only being driven between 100 to 1,000 miles per year there would be no threat to air quality. The Counties also stated that there would be no impact to their SIP's if the DMV decided to change their Policy to register the true replica to the year that the engine was replicated to, then they are already exempt from the emissions program in Nevada. The program only tracks the year of the car that is being tested. The Committee recommended that the DMV develop a Policy to hold the engine to the standard of the year that the engine replicates and register according. All were in favor.

5. Continued Discussion of Test (1G) and Test/repair (2G) Station Requirements

- A. Peter Krueger with the Nevada Emission Testers Council briefed the Committee on the history of this agenda topic. The Council had previously approached the Committee requesting that the 1G stations be allowed to perform a fuel injection cleaning service for their customer. When the topic was initially presented to the Committee, there were concerns expressed by both Washoe and Clark County pertaining to the effects that this service may have on air quality. The suggestion was made at that time by the Committee to have the Council conduct a study. The Council is now returning to the Committee once again to address this topic because it is their belief and that of the Manufactures of the solution that is used for this service that it is not an air quality issue. Mike Prince with Terrible Herbst explained to the Committee that the service that is being performed by the 1G stations is a three part cleaning. The service is performed by first introducing a solution into the gas tank. Secondly, a swab is then used to wipe out the throttle body underneath the motor and finally, another solution is dripped into the vacuum line. The intention of this service is to provide the customer with a routine cleaning. It is not for the purposes of a repair. In 2001, the State passed Regulations to allow 1G station to perform

services such as changing spark plugs and wires. It also allows for a 1G station to make timing adjustments and ignition dwell can be set, all of which would have more of an impact on the emissions compared to a cleaning. The Council requested that the Committee reconsider the allowance of this service for a 1G station before they move forward.

- B. Jennifer Carr with NDEP stated that their Department was contacted by the Council and had been working with them on this idea since April of 2006. It is uncertain that EPA would accept a rule change with the I/M Program, however Region 9 will entertain the discussion. Jennifer stated that before the meeting with Region 9 is held, it would be in the better interest of the council to have some data proving that there would not be an impact to air quality. She advised the council that Region 9 will not approve a rule change without feeling absolutely comfortable. If the Committee will not reconsider, it is requested that the Committee provide input on what this sort of study should look like.
- C. Clark County explained that EPA has a definition for a test only station (1G), and it is just that, "**Test Only**" and the I/M Programs are governed by EPA. Allowing this service would cause an issue with the overall certification of the program and the rule as it is written. The Clean Air Act of 1990 is still the Governing Law and they have already moved away from it by allowing the test only (1G) stations to perform certain repairs. Although the repairs that may be performed are restricted to vehicles that are 1981 and older, the Legislative change was still questioned by EPA, and they expressed their dislike. The fuel injection cleaning service was passed in Legislation, but only if the EPA approves it. NDEP only felt comfortable with going to the level of pouring into the gas tank because that does not violate the guidelines that EPA set forth. It did not involve any mechanics, such as taking things apart. If the Council wants to do more than pour a solution into the tank, that request would need to be approved by EPA.
- D. Washoe County expressed their concern with the triggering of the MIL's as a result of this service. Mike stated that if the service is performed properly, the MIL is not triggered, however if the MIL is triggered, the light does reset itself in a short period of time. Lloyd Nelson with DMV stated that Mike was correct. Lloyd said that the only way that code is going to be triggered is if the cleaning solution is put in too fast. If this service is performed under a properly controlled environment, a code will not be triggered.
- E. The suggestion of requiring all technicians within the I/M Program to become 2G certified. This would allow all of the stations that fall under the rules of the I/M program to perform all of the essential mechanical functions. The response to this suggestion was that this was not the direction that a majority of the stations and technicians have chosen to go. The majority of stations and technicians do not want to perform repairs; they only want to provide their customers with a routine maintenance. Peter stated that it is getting more and more difficult to attract mechanics to this field because the rules are tough and if the I/M Program continues to make things tough for those currently in the Program to perform services for their customers, they are going to leave. Since the Clean Air Act passed the market place has changed. The shops that do not perform emission inspections

are able to perform any service to the emission components with no oversight or training and the DMV has no authority over them. The only thing that separates the 1G station from the garages is that the 1G station has an analyzer in their shop. The Department agreed with Peter on the unfairness between the rules for a garage and an emission station. Troy from the DMV stated from an enforcement perspective, if separation could be made between the services and the emissions testing portion then there would be no conflict, but that is not how the rule is currently written and those decisions would have to come from EPA.

- F. The consensus of the Committee was that this service would need to be approved by EPA. The Committee cautioned the Council that the I/M Program is skating on thin ice. The test only stations are so far away from the definition of what a test only station should be. They have not lost any credits due to this but the threat has been made.
- G. The Council suggested the following testing parameters:
- Step one: Run an emission test on a vehicle and record the emission results.
 - Step two: Perform the fuel injection cleaning service.
 - Step three: Perform additional emission tests in various stages immediately after the service is performed. Record the test results.
 - Step four: Perform another emission test after 50 miles of the initial test. Record the results.
 - Step five: Perform another emission test after 100 miles of the initial test. Record the results.
 - Another test that may be performed is to take a vehicle that has failed the emission test and perform this service, then retest the vehicle to see if it would pass.
- The Committee informed the Council they felt that the testing parameters they have come up with may be the best chance they have for an EPA approval.
- H. The Department of Motor Vehicles hosted a workshop in Reno on proposed regulation LCB file number R131-06 which revises the provisions governing the operation of certain test stations. The Department's proposal was to allow a class 1 approved inspector or service repair technician to diagnose, repair and service a device for the control of exhaust emissions on any motor vehicle which has not failed its most recent emission inspection. A class 2 approved inspector would have to oversee the Class 1 approved inspector or service repair technician and sign off on all emission related work. The issue is primarily with the car dealers. The shops are large scale and work on a lot of vehicles but they are also in the emissions program, which means they are subject to the emission Regulations and they are in violation of them. 2G shops may supervise the work of a 1G who actually performs repairs on the emissions components of a vehicle. This is where they are in violation. Those are not 1G approved inspectors working on all of the emission components; they are the service repair technicians. The proposed language was the Department's attempt to bring them into the program. The dealers cannot meet the Regulations as they exist today. The Dealers contested the proposed language so the Department put the Regulation on hold until it could be addressed with the Committee.

- I. The dealerships business is not in emissions but in repairing the vehicles that they sell and majority of the repairs that are being performed at the dealership are not related to a failed emission test. The Department would like to isolate the issue by defining that if the repair is being done due to a failed emission the work must be done by a 2G. The Department would like to find where the lines are within the Federal guidelines and what sort of impacts this would have on the Counties SIP's to make changes that will work for the Industry and the program.
 - **Q. Andy** – Troy if Reno GMC decides they are going to have an emission test station, does that mean that the entire building is an emission test station, or could they have a little kiosk in the back and say that is my emission test station and this is my service station.
 - **A. Troy** – They are allowed to have to separate business entities, but it requires physical separation of structures.

- J. The Industry requested that the Department address this to failed vehicle only, not across the board. Currently, if you bring your car in to a 2G shop for a routine tune up and it is completely un-emission related. Either the 2G or 1G will do the work. If the work is done by the 1G it has to be overseen by the 2G. That is the current structure and the tune up is completely unrelated to the emission test. The industry requested that the oversight of the 2G be directed towards the emission failures and not across the board. Troy with the DMV stated that currently the State holds valid an emission inspection certificate for 90 days. The same language could be adopted to say that if that vehicle has failed within the last 90 days, no emission repairs unless you are a 2G. This adoption would only need to be a Regulatory change. Troy asked Jennifer if this was something that she could present to EPA, because it is to the point that it is either this or the Dealers are out of the program.

- K. The Department is going to meet with the Industry that opposed the proposed language at the Workshop and come up with language. A research packet will be put together containing the CFR's that will be affected and links to affected areas within the Counties SIP's, if any, and submit that to Washoe County, Clark County and the Nevada Department of Environmental Protection for review of their respective areas of responsibilities.

6. Status Update of DMV In-House VID

- A. The Departments Vehicle Information Licensing Database has moved into development while some portions of the applications are in test or have been placed into production. Emission stations are currently being entered into the production application and after completion the Inspector information will then be added. The first phase of the emission program audit reports that are used by the DMV Emission Technicians are currently in progress and moving into test. Other applications that are currently in progress or undergoing testing is:
 - The web portal that will be accessed by the station managers for review of VIR sales – In Testing.

- Reprint of the Vehicle Inspection Reports – In Progress.
- Covert audit application – In Progress.
- Internal and external procedures and business rules – In Progress.

The emission analyzer specification document was completed and released by State Purchasing along with the actual specification documents for the analyzer. The Departments Information Technology Group has completed the analyzer communication document and that is out to all of the interested analyzer manufactures and we should have a list of those Companies that are interested in doing business here in Nevada by next week. The department has built a separate testing environment called an emulator which will simulate an actual analyzer for internal testing of the VID, while enhancements are being made to the vehicle registration feature that is currently on the analyzers. It is still the vision of the Department to start bringing stations onboard in May.

- B. The projects that the Department will be completing as part of phase one is the EPA 30, 60 and 90 day annual reports. Once basic programming is complete, re-communication with the analyzer to VID will be done along with the ordering of certificates and licensing. The Department will then move immediately into phase two of the project which will consist of reporting enhancements.

- **Q. Andy** – What is the Departments go live date?
- **A. Lloyd** – We will start bringing stations aboard May 1st. This will not be a big bang; the length of time for the roll out period will depend on how long each of those stations take for setup. We don't know how long each analyzer will take and the length of roll out will depend on that. Each station will need to be done manually. The Department is looking into doing Beta Testing, before we go statewide.
- **Q. Brian** – Lloyd, when you say Beta Testing, it would be nice if you take on the larger businesses first.
- **A. Lloyd** – That would be good, especially because they have backup units.

7. Update on Pollution Control Fund

- A. The second quarter distributions for Clark County was \$262,275.00 and Washoe County is \$70,075.00. That equates to ½ ways through this year 688,600 cert sales. The Departments projection for this year is almost \$1.4 million. Statistics show that Clark County 1st quarter distribution was 8% greater than this time last year and Washoe County is at 7.2%. The second quarter distribution for the same time last year for Clark County growth was 6.9% and Washoe County was 2.5%. As of December 31st the Department is showing a 6.41% increase over the same period last year.

8. Update on Testing of Alternative Fueled Vehicles

- A. Since the passing of AB36 from the 2003 session, the Committee exhaustively wrestled with how to test alternative fuel vehicles. The Committee reached the conclusion that testing of alternative fuel vehicles would not provide an emission benefit with respect to cost and the heartache involved with trying to implement. The recommendation that

passed by the Committee was that NDEP will draft language for a Regulatory change and submit it to the State Environmental Commission. The language that was recommended for the Regulatory change would state that once a total combined number of vehicles reached a 1% threshold while running a particular type of alternative fuel, the Environmental Commission would then add them to the testing program. NDEP had concerns with drafting that language and decided to get an AG's opinion. The opinion that was received back stated that AB36 modified the language in a portion of the Statute which deals with limitations on the I/M Program. What this change did was add in the term "special fuel" and it gave the Environmental Commission Authority to require inspection of special fuel powered vehicles if the State Environmental deemed it necessary to regulate the emissions from those vehicles. It does not say that special fuels must be tested.

9. Public Comments

- **Q. Mike** – Troy are we still having problems with MCI losing books of VIR numbers through the analyzer, because we have been experiencing that lately?
- **A. Lloyd and Troy** – There have not been any further first hand problems reported, but if you have first hand problems, give those to us and we will open a ticket and get that issue resolved. We want to know about these issues and we want this issue resolved.

10. Next Meeting and adjournment

- A. The next I/M Advisory Committee meeting will be set for April in Reno. Jennifer Carr will reserve a meeting location.
- B. Sig with NDEP addressed the Chairman requesting that when the meeting time is set that the scheduler be cautious of plane schedules and consistent with the time that is set on the agenda.
- C. The meeting adjourned at 1:15 pm.