



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

Held on October 15, 2008 at 10:00 am

At the Nevada Department of Motor Vehicles

Emission Training Building, 2701 E. Sahara Ave., Las Vegas, NV. 89104

These minutes are prepared in compliance with NRS 247.035. Text is in summarized rather than verbatim format. For complete contents, please refer to meeting tapes on file at the Nevada Department of Motor Vehicles.

**THIS MEETING WAS PROPERLY NOTICED AND POSTED IN THE FOLLOWING
LOCATIONS ON OCTOBER 06, 2008.**

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 th St. Reno, NV. 89512	Department of Motor Vehicles Website www.dmvnv.com	

1. Call to Order & Introductions

- A. Chairman Sig Jaunarajs called to order the meeting of the Advisory Committee on Control of Emissions from Motor Vehicles at 10:05 am.
- B. Committee introductions took place along with the public that was present.

MEMBERS PRESENT:

- Andy Goodrich, WC-AQMD
- Dennis Ransel, CC-DAQEM
- Glenn Smith, DMV/CED
- John Pietrzycki, DMV/CED
- Lloyd Nelson, DMV/CED
- Randy White, CC-DAQEM
- Rebecca Cripe, NDEP-BAQP
- Robert Tekniepe, Ph.D., CC-DAQEM
- Roxanne Johnson, USEPA – Ex-Officio – Teleconferenced
- Sig Jaunarajs, NDEP-BAQP - Chairman
- William Striejewske - NDOA

MEMBERS ABSENT:

Daniel Inouye, WC-AQMD
Dennis Taylor, NDOT
John Koswan, CC-DAQEM
Leif Anderson, NDOT
Michael Elges, NDEP-BAQP
Ralph Felices, DMV/CED
Steven Grabski, NDOA
VACANT, TMRP
VACANT, TMRP

INTERESTED PARTIES:

Allan Lal, DMV/CED
Hal Greene, DMV/CED
Joe Theile, Constituent Advocate, LCB - Teleconferenced
Harry Parker, Consumer
Kyle Moss, DMV/CED
Louis Gardella, Jiffy Smog
Mike Prince, Terrible Herbst
Quinn Winter, Terrible Herbst
Steven Bauder, DMV/CED
Steven Yarborough, Fleet Solutions
Tony Letizia, NDOT

2. Approval of Agenda Order

- A. Lloyd Nelson with the Department of Motor Vehicles (DMV) motioned that the agenda be taken out of order. Lloyd requested that agenda items *(6.) New NAC Authorizing DMV Emission Test Labs to Evaluate an OBDII Vehicle and Give a 1 Year Period if Vehicle Passes a Tailpipe* and item *(7.) Abnormal OBDII Testing Issues* be combined and moved to the top of the agenda due to members of the public being present to discuss these issues. All were in favor.

3. New NAC Authorizing DMV Emission Test Labs to evaluate an OBDII Vehicle and Give a 1 Year Repair Period if Vehicle Passes a Tailpipe Inspection. (Taken Out of Order, Originally Agenda Item # 6) Abnormal OBDII Testing Issues. (Taken Out of Order, Originally Agenda Item # 7)

- A. The Department has been contacted by the owner (*Mr. Parker*) of a 2001 or early 2002 Kia Sportage passenger vehicle that was rejected while having the emission inspection done. The monitors of the vehicle are preventing it from performing it's self test. The vehicle has been rejected a few times at the emissions stations and also at the emissions lab. The Department has contacted the Weber State University (OBD Clearinghouse) and received some input as to what the problem with the vehicle might be. The vehicle has been to a few shops in the Las Vegas area where approximately \$800.00 has been spent on services and repairs for the vehicle, however none of the services or repairs have

allowed the vehicle to run its self test. Since the vehicle is unable to test because of unset monitors, it is unable to complete the test which is resulting in a rejected VIR and there is no waiver provision available in current regulations for this type of VIR. If the vehicle is rejected, repair is the only current option. As vehicles get older, it looks like abnormal issues might start to come up that are very expensive to fix. The Department has been providing Mr. Parker with movement permits so that he is able to drive the vehicle and the issue has been referred to EPA's office of Transportation Air Quality where they have been in contact with Kia to see if they could come up with some sort of resolution. The Department has placed this topic on the agenda and requested that Mr. Parker appear today to discuss the issue and see if there is anything that the Committee could do to assist.

- **Q. Sig** – So he is caught in a regulatory limbo, because the car is not ready to be tested, we cannot make any determination on whether it passes or not so he is stuck?
- **A. Lloyd** – That is correct. Without being able to, with CAN's self test or monitor reset, we don't really know if the car could pass the actual test or if it has a problem.

- **Q. Dennis** – Is this problem common with that particular vehicle or is it just this specific one?
- **A. Lloyd** – Not according to Weaber State or EPA. So far this is a one vehicle problem.

- B. It is apparent to the Committee that Mr. Parker has made more than a good faith effort to try and do the right thing, which is have this vehicle repaired. The problem is becoming very expensive with no results. The Dealership has recommended that the computer be replaced, however, they are not certain that this is the problem.

- C. There is a waiver provision for the OBD test but it only applies to vehicles that have failed the emission test. In Mr. Parker's case the vehicle is rejecting, not failing, so the waivers do not apply. The Committee would like to look into the option of allowing a waiver for a vehicle that has rejected when it found that the owner has made adequate attempts to have the vehicle repaired. This would require a change to regulation. The Department does not want to address this issue in NAC. This would allow for potential abuse once consumers realize that they can forego fixing the problem with their vehicle by paying the minimum in repairs fees and then receiving a waiver as is the case with the failed waivers.

- D. The Committee does not have any authority to take action in the case of Mr. Parker. It was agreed upon that an analysis of the impact the motorist has experienced due to this issue be provided by the Department and reviewed by the Committee for recommendations. Currently, the Committee may only recommend that the Department consider allowing a waiver under the circumstances.

- **Q. Dennis** – Could we test this vehicle using the tailpipe test to see if it is or is not a gross polluter and then issue a test based off of those results?
- **A. Lloyd** - We could do the tailpipe test but we don't have standards in regulation to follow. It would be us making up the standards to pass or fail a car.

- E. Lloyd informed the Committee that there is a short term resolution that may be possible for Mr. Parker. The Department has a policy and procedure that was developed when OBD first came in that would allow the granting of an administrative waiver if the vehicle was known as a pattern failure. There is a report from EPA that states that they are working with Kia trying to find a resolution. If the Chief would agree to allow an administrative waiver to be issued for this vehicle based upon the report from EPA, Mr. Parker would be registered for one year and the Committee would be able to further evaluate the data.
- F. The Committee motioned to recommend to the Chief of the Department of Motor Vehicles, Compliance Enforcement Division to allow an administrative waiver for Mr. Parker.
 - **Q.** Roxanne – Has the DMV been in touch with the manufacturer? I know that the Office of Transportation and Air Quality is aware of the readiness problem and they are in contact with Kia, but has the DMV made any contact with them?
 - **A.** Lloyd – My conversations pertaining to this vehicle have primarily been with Weaver State. Only EPA has been in contact with the manufacturer, but I will be more than happy to call them.
 - **Q.** Roxanne – The motion that I am hearing is to get an administrative waiver for this vehicle for a one year cycle, is that within our authority under regulations?
 - **A.** Lloyd – The Administrative waiver is done by policy; it allows the manufacturer time to figure out what the problem with the vehicle is and fix it.
The Committee was in favor of the motion.

4. Approval of Minutes from 07/15/08.

- A. The Chairman opened the July 15, 2008 meeting minutes for discussion, comment and approval. The Committee approved the minutes without any changes.

5. Pollution Control Account Update.

- A. Lloyd with the DMV informed the Counties that the final VIR sale dollar amount was \$8,614,793.00, which is a 1 ½% increase over 1st quarter FY08.
 - **Q.** Robert – Is there any projection on if and how much the excess reserve will be?
 - **A.** Lloyd – Not until after January.
- B. Dennis with Clark County queried the State Agencies present if there was any anticipation of an increase in budget allocations out of the excess reserve fund. In the past State agencies have asked for a significantly increasing amount of money out of the fund which left local agencies less opportunity to apply for grants. Both Sig with NDEP and Lloyd with DMV both confessed that they have not been part of the budget process and have no information. Dennis requested that an update item be placed on the next meeting agenda regarding what the State Agencies are requesting out of the excess reserve fund in their budget requests if that information is available to the public.

6. Discussion of known/potential BDR's (2009 Legislature) that may impact the I/M Program.

- A. Sig with NDEP notified the Committee that he viewed the listing of BDR's and found two that have been submitted with possible impacts to the program. The first is BDR 5 submitted by Senator Ohrenschall pertaining to changes within the I/M Program and the second one is BDR 540 submitted by Senator Beers pertaining to Specialty Vehicles. Unfortunately, none of the bills are listed online so there is no drafted language to view as of this time.

7. Mobile Emission Testing

- A. Steven Bauder with the DMV was tasked at the last meeting with researching and reporting back to the committee on the development of mobile emission testing along with possible impacts on the motoring public and the emission industry in Nevada. (*Mobile Emission Testing Supplemental Report and Presentation is retained as Attachment "A" in the master file*) As a result of the requested research, Steven made the following recommendations to the Committee:
- No re-engineering of the program should be considered until exhaust emission testing of older vehicles is eliminated. Do not re-engineer the current program with mandatory requirements affecting traditional testing, when the process could lead to added inconvenience for motorists.
 - Additional bonding and insurance to protect Nevada motorists should be considered for mobile operations, if the topic is further evaluated.
 - Cost evaluation should be done for adding Biometrics to the program (both test equipment and vehicle information database)
- B. Glenn with the DMV expressed how important it is for the Committee to evaluate the importance of the insurance aspect. Accidents occur all of the time at stations and instead of the accident occurring at a licensed and bonded location, it is happening at a customer's home.
- C. Dennis with Clark County feels that it would be in Clark County's best interest to accept the recommendation of DMV to observe this technology and see how it evolves especially since the ozone standards for non-attainment in Clark County will not be promulgated until 2010.
- D. Lou Gardella with Jiffy Smog agreed with Clark County. He feels that there is a lot of technology out there right now and this would be a radical change to a system that in his opinion is convenient, and to change it would be cumbersome. Additionally, mobile emission testing would also put a large portion of the industry out of business.
- **Q.** Andy – Is a fleet operator able to perform their own emission tests? If so, what equipment do they have to have to be licensed to do so?
- **A.** Ski – Yes a fleet operator is able to perform their own emission test if they have the capability to perform a TSI and OBDII test. However, this means that they are only able to test the vehicles within their fleet, which is what most fleets typically do. If a fleet

chooses to not test their own vehicles then they are required to take the vehicles down to an emission station for testing.

- E. The Committee motioned to follow the recommendation of the DMV to monitor the progress of mobile emission testing. The motion carried.

8. Adding Emission Device Visual Inspection to the OBDII Test

- A. Lloyd Nelson with the DMV informed the Committee that the Department has started conducting research on OBDII defeat devices. Over the past few years vehicles that have been modified with OBDII defeat devices to fool the emission analyzer to pass a failing vehicle is increasing in volume. Due to the large amount of vehicles that are being seen at the DMV labs with these devices installed the Department is looking at the feasibility of equipping the emission analyzer with software to capture the defeat devices. There has also been discussion of amending regulations to include a visual inspection of the emission devices on the OBDII test.
- B. Some regulatory action has been taken by EPA which has administratively dealt with one of the companies that was visually selling these devices. This regulatory action is being expanded by EPA towards other companies.
- **Q.** Dennis Ransel – Do you have any idea of the scope that you are seeing? How big is the problem?
 - **A.** Glenn Smith – We do not track the data on these vehicles currently.
 - **A.** Roxanne Johnson – This is a very interesting project to be working on in the future especially when the agency feels that the OBD only testing has really become more cost effective. I didn't realize that it was such a huge industry. So I am very surprised. I do not have any information also on this one.
 - **Q.** Rebecca Cripe – Are we seeing these devices on vehicles that are used for street racing illegally?
 - **A.** Kyle Moss – The majority of these cars that I see out here in the lab are the tuner cars.
 - **Q.** Dennis Ransel – What is the Departments sense so far? Has the research done so far show that this is a problem that should be investigated further?
 - **A.** Lloyd Nelson – I think that we should continue to pursue the study from a feasibility standpoint.
 - **A.** Kyle Moss – I feel that this issue is great enough in the Southern Region that it needs to be addressed.
- C. Steve Yarborough with Fleet Solutions raised his concern with the discussion of a regulation change and the covert operations that would come along with that change. The 1996 and newer vehicle models are much more complex than the 1995 and older models. A new addition in regulation for a visual inspection would add a whole new piece of work to the industry and it is already challenging enough to keep technicians doing proper visuals on the 1995 and older models.

- D. The Committee feels that the Department should continue to pursue a feasibility study and update the Committee as this project unfolds.

9. Public Comment

- A. No comments

10. Next Meeting and Adjournment

- A. The next meeting will be held in Las Vegas on Wednesday, January 21, 2009 at 10:00 am. Lloyd Nelson or Dennis Ransel will secure the next meeting location.
- B. The Meeting adjourned at 12:10 pm.