



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

Held on May 24, 2016 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

Carson City, NV. 89701

**to the** Nevada Division of Environmental Protection

Red Rock Conference Room

2030 East Flamingo Road

Las Vegas, NV. 89119

*These minutes are prepared in compliance with NRS 247.035. Text is 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  
MAY 19, 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 Ave. Las Vegas, NV. 89104	Clark County Department of Air Quality and 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.gov">www.dmvnv.gov</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 1:30 pm.

**2. Roll Call**

<b>MEMBERS:</b>	<b>Representing</b>	<b>Present</b>	<b>Primary</b>	<b>Alternate</b>	<b>Voting</b>
Al Leskys	CC/DAQEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rodney Langston	CC/DAQEM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Sword	CC/DAQEM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Tekniepe	CC/DAQEM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shannon Rudolph	NDOA	<input checked="" 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"/>

Ivie Hatt	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Morgan Friend	DMV/CED	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Steve Mayfield	DMV/CED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robin Roques	DMV/CED	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
Joe Perreira	NDEP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Danilo Dragoni	NDEP	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charlene Albee	WC-AQMD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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:**

***Representing:***

Glenn Smith	DMV/CED
Kristin Hunicke	Opus Inspection
Jessica Hernandez	DMV/CED
Diana Gardella	Jiffy Smog
Lou Gardella	Jiffy Smog & Emission Tester Council
Faun Parks	DMV/CED
Donnie Perry	DMV/CED
Norma Havens	USA Fleet Solutions
Steve Yarborough	USA Fleet Solutions
Steve Weiss	Smog Hut
Peter Krueger	Capital Partners
Rafael Arroyo	Smog Plus
Art Jensen	JART Direct Mail
Lea Cartwright	JK Blez & Assoc.
Alexis Miller	AGC
John Pietrzycki	Smog Hut

**4. Public Comments**

- A. Steve Weiss (Smog Hut), expressed concern with how the average emission test fee was established by the I/M Sub-Committee.

**5. Approval of Agenda Order**

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

## **6. Approval of April 2016 Meeting Minutes**

- A. The Chairman opened the April 12, 2016 I/M Sub-Committee meeting minutes up for discussion and approval. The Committee approved the minutes with the following corrections.

- 3A. – Change “Joe Joseph Perreira” to “Joe Perreira”

- B. The Chairman opened the April 21, 2016 I/M Committee meeting minutes up for discussion and approval. The Committee approved the minutes as presented.

## **7. The Department of Motor Vehicles requests the removal of the Bosma Report and DMV response to Emissions Testing Industry Comments.**

- A. Donnie Perry (DMV), commended the Committee for doing an outstanding job on the report, however it is the Departments position that the Bosma Report, Industries comments and DMV Reponses go beyond the scope of AB-146. Should the Committee choose to accept those documents, the Department requests they be submitted as a separate document. The specification of Assembly Bill 146 was specific in the terms of what the goals, objectives and focus were. If the Industry is not pleased with the Department or with the outcome of this Committee’s study then they have the right to submit their concerns but it should not be part of this report.
- B. Danilo Dragoni (NDEP), stated that he understood DMV’s point, however he believes the presence of the Bosma Report and the Industry comments strengthen the report. By including their disagreements shows the Committee has considered their ideas. By not including the information into the report opens it up to a much higher level of transparency.
- C. Donnie Perry (DMV), stated that this is not an issue of having a transparent report. The guidelines of AB-146 are very specific and when you go beyond that, it is something totally different. The Department is not addressing transparency, again if the Committee would like to include the industries report as part of a second document we have no objections. What AB-146 did was request an official document from the State of Nevada, and what should be in that report is what is outlined in the bill. Anyone has a right to disagree with what is in there. If any one of the recommendations are pulled, they will have an opportunity to speak in favor of it or, against it. So this is not a matter of transparency. What this report was to focus on, was within the instructions that were provided in AB-146 and these items that are being added into the report are outside the scope of what this Committee was authorized to do.

- **Q. Joe Perreira (NDEP)**, I think that the industry outreach that we did was justification for our proposal. Could we be looking at it two different ways?
  - **A. Donnie Perry (DMV)**, Possibly. I am not here to try and convince you to look at it another way. This is the Departments position in terms of item number 7 and it is completely up to the Committee if they want to accept the proposal.
- D. Al Leskys (CC-DAQEM), during the I/M Sub-Committee meetings there was concern expressed by the industry that they were not being included. Some of the recommendations made in our report will have an impact on the industry and as such the Sub-Committee did allow for the industry to prepare their own fiscal impact. To reverse our position now would not be viewed well in front of the legislature.
- E. Robert Tekniepe (CC-DAQEM), removing these appendixes from the report would be problematic. The term “modernization” within AB-146 has a different meaning to the industry then it does to the Committee. Being that the Sub-Committee solicited this report from the industry and the industry provided them, they should be included in the report with the suggested changes:
- Include the Bosma Report, Industry comments and DMV responses in the report but remove them from the body and relocate them into the appendixes.
  - Correctly title the suggested changes. Changes were submitted by Lou Gardella representing Jiffy Smog and Peter Krueger representing the Emissions Testers Council.
  - Responses to Industry Comments (Lou Gardella and Peter Krueger) should be coming from the Committee as a whole, not just the DMV. Remove “DMV” as the respondent and replace with “I/M Advisory Committee” as respondent.
- F. Sig Jaunarajs (NDEP), invited members of the public to comment.
- G. Peter Krueger (Capital Partners), disagreed with the proposal to remove the Bosma Report and Industry comments out of the final draft. Peter argued that the members of the Sub-Committee are not qualified to offer an economic impact analysis.
- H. Robert Tekniepe (CC-DAQEM), stated that the document provided by Lou Gardella with Jiffy Smog, should be reflected in the report and not as “Testing Industries Proposals”. Additionally the Bosma Report by the Nevada Emissions Testers Council, does not represent the entire emission testing industry and therefore Appendix F should reflect that as well.
- I. Lou Gardella (Jiffy Smog), the Bosma Report was compiled using figures provided by the DMV and reflects a financial impact to the industry. There was never a letter or e-mail sent to the industry notifying them of this report. There was only a notice sent by the

VID. Even though the industry inspectors, owners and managers receive them, they do not always read them.

- J. Donnie Perry (DMV), commented on the notion to update and modernize a plan. This is the second part of AB-146 and we still have not seen it. All we have seen is recommendations. Then there are these reports, questions and responses, which is also not a plan. A plan is action. These are concerns that the industry has and they are trying to raise them in the wrong venue. So if we go back to what was requested, you are supposed to be submitting a proposal for an updated and modernized plan for inspection and testing and what has been presented by the industry and what we are asking to be removed is not a plan.
- K. Sig Jaunarajs (NDEP), suggested taking the Bosma Report out of the body of the report, and then explain that this is a report prepared by the emissions industry and this is how the committee responded to the report, but it is not part of committee's direct analysis.
- L. Donnie Perry (DMV), stated this is a decision that it up to this Committee. The Department is not going to be argumentative given that point. After the Department reviewed the report, we felt it was our responsibility to voice our concerns. Which is we don't believe that this is the appropriate venue for that information. The Department is not opposed to what they have to say and we are not opposed to their displeasure with the way they perceive things are taking place. But there is a time and place where that should be addressed and we don't think that this report which is in response to an assembly bill is an appropriate place.
- M. The Committee moved to retain the Bosma Report, Industry comments and DMV response in the final report. The motion carried.

#### **8. Discussion on Finalizing the Draft AB-146 Report Prepared by the I/M Sub-Committee.**

- A. Chairman Sig Jaunarajs (NDEP), opened discussion on the drafted AB-146 report that was prepared by the I/M Sub-Committee for comments, questions and approval.
- B. Morgan Friend (DMV), noted there were issues with the bullets 42 and 43. Joseph Pierrera (NDEP), stated that those issues were corrected prior to the meeting.
- C. Glenn Smith (DMV), had a question on page 48 of the report where it talks about the California Smog Abatement Fee. Glenn questioned the discrepancies in the cost. The 3<sup>rd</sup> paragraph on page 48 refers to the abatement fee as being \$20.00, while the 5<sup>th</sup> paragraph refers to it as being \$12.00. Joe Perreira (NDEP), stated that the discrepancies exist on California's website and within California's Health and Safety Code.

- D. Morgan Friend (DMV), with regards to the responses made by the DMV and the recommendation to have those responses reflect that they came from the Committee as a whole and not only the DMV, the Department did not request that those items be removed because the Department did not want to be accountable for the answers in response to Lou Gardella and Peter Krueger. The Department requested that they be removed because they were being presented in the wrong venue. Since the Committee has voted to keep those two items in the report, the Department would request that they be presented in the report as they were presented to the Sub-Committee.
  
- E. Robert Tekniepe (CC-DAQEM), the I/M Sub-Committee was proper in allowing the interpretation of modernization of the I/M Program. The list of 10 suggestions that were provided by Lou Gardella reflect his interpretation. But what I am seeing with regards to those suggestions is that they fall more in line with programmatic changes not policy changes. The Legislature directed the Committee to look at policy with regards to the I/M Program and that is what the I/M Sub-Committee was chartered to do. Additionally, a lot of these items if not all of them have already been vetted on previous occasions between the industry and DMV, as the DMV is assigned authority over the testing program. Robert suggested removing each of the individual responses made by the DMV to the suggestions made by Lou Gardella and adding a generic statement stating, "These are all programmatic changes and should be discussed between the DMV and the industry".
  
- F. Sig Jaunaraajs (NDEP), invited members of the public to comment.
  
- G. Lou Gardella (Jiffy Smog), in response to Roberts comments, you are right that a lot of those requests are programmatic changes and they have been addressed with the DMV and received the same responses. So when I looked at AB-146 to update and modernize, I thought finally we could get this stuff done without the DMV telling us no. But the response again was no from DMV and I was not surprised.
  
- H. Robert Tekniepe (CC-DAQEM), Lou is echoing exactly what I was suspecting and this is where Donnie with the DMV was going. These programmatic issues have been vetted with DMV in the past and Lou says that they have not been addressed to their satisfaction and this report here is being used as a venue or a pathway to address it. That is not the intent of this report. The AB-146 report is being used to bring up issues that Industry feels have not been addressed to their satisfaction, while the real intent of the AB-146 report is major program changes.
  
- I. Peter Krueger (Capital Partners), stated that it is his opinion from the dialogue presented this afternoon that there is a situation where the Air Quality Agencies and the Department of Motor Vehicles have set a course of action with complete disregard and inclusion of industry in the process. All Peter sees in the report is that the agencies are concerned about their revenue and that they have protected it by increasing fees. Even though some of the money will have to go to the DMV for programming new processes,

there is no mention of what will be done with the rest. “So there is a fee increase, good for State, but what about the industry?” The level of cooperation from the start was wrong. The mistake that we made as an industry was not insisting in the bill that you as a Committee would have to deal with us. So the whole purpose of this study was that you made a proposal and protected your revenue with no concern on the industry impact. And we are talking about this affecting thousands of men and women that work for some pretty terrible wages to do this job. So if you move forward with this proposal because it is the belief that it will get the Legislatures off your back and you won’t be required to have to go to Session every other year you are not doing your jobs which is protecting air quality. Additionally, it seems completely inconceivable that you will make this proposal and cover your own revenue to ensure you still have the funding to run your programs. “Why don’t you take a 25% reduction like the rest of us.”

- J. Glenn Smith (DMV/CED), in an effort to try and keep things in perspective and within the scope of Assembly Bill 146, it states the Advisory Committee on the control of emissions from motor vehicles shall conduct a study concerning the inspection and testing of motor vehicles and so forth. The last section of this bill states, As used in this section, “Advisory Committee on the Control of Emissions from Motor Vehicles” means the advisory committee described in subsection 7 of NRS 445B.830.

NRS 445B.830 Section 7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

- (a) Establish goals and objectives for the program for control of emissions from motor vehicles;
- (b) Identify areas where funding should be made available; and
- (c) Review and make recommendations concerning regulations adopted pursuant to [NRS 445B.770](#).

I just wanted to read this to put it back into perspective what the position of the I/M Committees responsibilities are.

- K. Sig Jaunarajs (NDEP), closed public comment and returned to the Committee. Sig informed the Committee that they have a little over a month to finalize the report in order to meet the requirements of AB-146 and is ready to entertain motions.
- L. The Committee moved to add the actual 10 suggestions provided by Jiffy Smog in a PDF format to appendix A. The motion carried. The actual document will be provided to Joe Perreira (NDEP) by Al Leskys (CC-DAQEM) for inclusion in the report.
- M. The Committee moved to relocate section 8.4 to appendix F and retitle appendix F to reflect the source. The motion carried.

- N. Al Lesky (CC-DAQEM), wanted to clarify that any changes made to the report would require the alteration of certain language in the sections that reference these changes. Robert Tekniepe (CC-DAQEM), stated that a note should be included in section 7.1 that any changes made to the I/M program should allow time for the Governmental Agencies and the industry to prepare for the changes. Joe Perreira (NDEP), stated that on Page 38 in section 7.1 there could be a last sentence added which would read, “The Committee recognizes that a sufficient amount of time will be needed to implement any potential changes”.
- O. The Committee moved to adopt the AB-146 Report and move it forward to the Legislative Council with requested changes including the addition of the last sentence in section 7.1. The motion carried.

## 9. Informational Item(s)

- A. Morgan Friend (DMV/CED), regarding research requested on the \$300 non-resident, vehicle smog impact fee in California. Glenn Smith (DMV/CED) was correct when stating that there was a problem that arose from that fee. In fact there was a Lawsuit over this issue and millions of dollars had to be refunded. It’s not likely that a one-time, smog impact vehicle fee will be feasible as California was sued for it being unconstitutional.
- B. Ivie Hatt (DMV/CED), introduced Jessica Hernandez, the new Administrative Assistant in Las Vegas. She will be alternating with Faun Parks as one of the Executive Administrative Assistants assigned to the I/M Committee.
- C. Sig Jaunarajs (NDEP), stated that the Advisory Committee on the Control of Emissions used to alternate their quarterly meetings between Las Vegas and Reno. He feels that returning to this method would be a benefit to the Committee.

## 10. Public Comments – Limited to 5 Minutes Per Person

- **Q. Rafael Arroyo (Smog Plus)**, now that the report is finalized, what is the timeline before the recommendations are implemented?
- **A. Sig Jaunarajs (NDEP)**, this report will now be made final with the recommended changes. It will then be sent to the Legislative Committees and made available to the public. If the Legislatures decide to move forward with one of our recommendations, they will do so during the 2017 Legislative Session and timelines will be decided during that process.
- **Q. Rafael Arroyo (Smog Plus)**, I have a question for Clark County. Based on your testimony from the last Legislative Session, do you still stand behind what you said?

- **A. Robert Tekniepe (CC-DAQEM)**, I could not provide a definite answer to that question. I would have to see what the testimony was. If you would like to give me a call and point out the particular testimony that you are referring to, than I would be able to give you an answer on that. You have to remember, Clark County provided a lot of testimony so I would not be able to give a blanket yes or no to that question.
  
- A. Robert Tekniepe (CC-DAQEM), wanted to put on the record that the study and report that was created is a valuable document. A lot of time and research went into it. Robert recommended adding an acknowledgment page right after the title page crediting those individuals that actually produced the document. Sig Jaunarajs (NDEP), stated that he did want to thank those involved in process, but typically names are not listed on organizational reports, and the report has already been finalized.
  
- B. Peter Krueger – (Capital Partners), continued to share his displeasure with how the proceedings were handled. States the Committee should not be proud of this work.
  
- **Q. Steve Weiss (Smog Hut)**, are we trailing California’s Emissions Program with the reports recommendation as far as the exemption period goes? How is California’s Air Quality?
  
- **A. Al Lesky (CC-DAQEM)**, No, California’s exemption period for new vehicles is 6 years. California’s Air Quality is worse than ours.

## **11. Next Meeting and Adjournment**

- A. The next meeting of the I/M Committee will be held on July 19, 2016 at 1:30 pm.
  
- B. The meeting adjourned at 3:28 pm.