



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

held on July 12, 2007 at 10:00 am

at the Nevada Department of Environmental Protection Agency  
4<sup>th</sup> Floor, South Conference, 901 South Stewart St. Carson City, NV. 89701

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*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 JULY 03, 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. 9 <sup>th</sup> St. Reno, NV. 89512	DMV Website <a href="http://www.dmvnv.com">www.dmvnv.com</a>	

**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 10:01 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
- Lloyd Nelson, DMV/CED
- Robert Tekniepe, Ph.D., CC-DAQEM
- Sig Jaunaraajs, NDEP-BAQP

**MEMBERS ABSENT:**

- Connie Anderson, TMRP

Daryl James, TMRP  
Dennis Taylor, NDOT  
John Koswan, CC-DAQEM  
Leif Anderson, NDOT  
Ralph Felices, DMV/CED  
Randy White, CC-DAQEM  
Steven Grabski, Nevada Dept. Ag.  
Vernon Miller, Nevada Dept. Ag.

**INTERESTED PARTIES:**

Adele Malone, NDEP  
Daniel Inouye, WC-AQMD  
John Wilson, Sierra Pacific Power  
Karina O’Conner, EPA  
Mark Isaacs, Verizon Business  
Mike Elgos, NDEP – BAPC  
Pat Mohn, NDOT  
Peter Krueger, NPM/CSA  
Ronald Levine, NMTA  
Roxanne Johnson, USEPA – Ex-Officio (*Teleconferenced*)  
Steve Yarborough, Sierra Service Stations  
Troy Dillard, DMV/CED  
Vince Mow, MACTEC  
William Striejewske, Nevada Dept. Ag.

**2. Approval of the Agenda Order**

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

**3. Approval of minutes from 04/05/07.**

A. Chairman opened the April 05, 2007 meeting minutes for discussion, comment and approval. The Committee approved the minutes with the following requested amendments:

- Page 7 (5A) on the 5<sup>th</sup> bullet point down change the sentence to read, “Truckee Meadows was required to develop a basic I/M Program.”
- Page 10 (8C) change the 3<sup>rd</sup> sentence to read, “The Nevada Division of Environmental Protection made a commitment to the Assemblymen that this Committee would work with...”

**4. OBDII Remote Emission Testing - Presentation**

A. Lloyd Nelson with the DMV reminded the Committee that at the last I/M meeting there was discussion on monitoring of OBDII data. Vince Mow with MACTEC was kind enough to offer to come and give a presentation on the remote sensing OBDII data.

MACTEC is on the cutting edge of the I/M Industry and involved with all of the new technology that we are hearing about. Vince Mow has been part of the professional automotive repair technicians from 1971 to 1992 and has consulted in the Environmental Fields of Solid Waste, Water Quality and Soil remediation until 1994. Vince has been involved with the BAR 97 analyzer certification, and has worked with the automotive emission and repair diagnostic systems from 1994-2001. Recently Vince has been working with the State of New Jersey with program development, RFP preparations and management of a remote OBDII pilot program for Maryland and currently is providing various acceptance testing and quality assurance services for emerging programs in Illinois and Missouri. The DMV is very excited about this new technology and would like to explore it further.

B. Vince Mow from MACTEC gave the Committee a presentation on the emerging technology of Remote OBD II Continuous Monitoring. (*Presentation retained as Attachment A with the Main file*)

- Q. Glenn Smith – Is a motorist alerted when the monitors are set?
- A. Vince Mow – The present equipment does not notify the motorist. There is a device that does, however that would be a feature that the manager station would request.
  
- Q. Glenn Smith – Is it possible to identify which vehicle the device is monitoring? Is it possible for it to be switched between vehicles without the Department knowing?
- A. Vince Mow – Yes it can be switched and there is software you can purchase to notify you that a link has been physically removed.
- A. Steve Yarborough – I represent Networkcar and it automatically shows if the device has been disconnected or reconnected. It shows as a reset. The boxes are registered to the VIN number initially so the only way that it could be changed is through Networkcar. An operator cannot change the VIN number to the box, because once it is registered to that vehicle it is always going to be registered to that vehicle.
  
- Q. Lloyd Nelson – It sounds like it is really to your advantage to monitor it continuously?
- A. Vince Mow – Yes because it really gives you everything. The problem then becomes how I handle all of the data that I am receiving, rather than am I getting enough information.

C. This program is ideal for introduction as a phase in with a private fleet.

D. Andy Goodrich requested that Vince send a copy of the PowerPoint presentation to Ivie or Lloyd for distribution to the members.

## **5. Clark County Voluntary Vehicle Repair Program Update**

A. Robert Tekniepe with Clark County updated the Committee on the Voluntary Vehicle Repair Program that is currently underway in Clark County. The program has been in effect for 13 months. There has been an estimate of 640 vehicles filtered through the

program and repaired. An additional 50 vehicles were reviewed by the program but repairs were denied because due to costs being more than the program allotment.

- B. Of the vehicles seen by the program 55% of them are OBD, while the remaining 45% are pre 1996 vehicles. A dramatic reduction in the emissions of both HC and CO has been seen at an average of 90%. *(For additional reduction statistics refer to attachment B, kept with the main file)*
- C. Clark County has been promoting this program through various media sources to increase participation among the Clark County residents.
  - **Q.** Troy – Robert was there anything that made the turn around on your monthly volume of vehicles processed switch from primarily TSI to OBD in November? The reason I ask is because from November on is when you have more OBD repairs.
  - **A.** Robert – To be honest, we have no clue as to why that occurred. We know that the word pertaining to this program is out, but why more OBD in November and on is anybody's guess. Maybe it's just turnover, but I cannot see where that would occur in just one month and then automatically from that point on OBD. I just don't know.

## **6. EPA Annual Report**

- A. Sig Jaunarajs with NDEP notified the Committee that the DMV had prepared and submitted the Maintenance Activity Report for Calendar Year 2006 and submitted it to EPA. This report which is required by EPA on an annual basis is a summary of the program in the State of Nevada.
- B. Last year the Office of the Inspector General performed an audit or review of EPA's oversight of the I/M Programs across the Country and they published a document called, "EPA Oversight of the Vehicle Inspection and Maintenance Program, Needs of Improvement." In that report EPA was given pointers which caused EPA to respond in January with a Corrective Action Plan. This plan is how they are going to improve the oversight of our state program. Part of that plan is they came up with a check list of elements that need to be incorporated in these annual reports for improvement. This checklist was only received last month which allowed little time for the Department to comply, so it was included in this year's report, however in the coming months as preparations are being made for next year's report, these items are being reviewed for incorporation.
  - **Q.** Lloyd – After EPA meets in August will there be feedback on the reports that have been submitted in the past? My understanding is that all of the regions are going to meet and review all of the submitted reports and identify the weak spots.
  - **A.** Roxanne – I believe that you are correct, however I don't have the date confirmed nor will all of the regions have submitted their State I/M Program Annual Report. Nevada is one of the few States that comply with the submission of the annual report. Once that meeting takes place I will send you the feedback.

- Q. Dennis/Andy – May we have a copy of the EPA Annual Report that was submitted.
- A. Lloyd – Certainly.

## **7. Update on the Pollution Control Fund**

- A. Troy with the DMV notified the Counties that as of this morning without any final adjustments the Pollution Control Fund was 3.65% more than last fiscal year, which has been the trend. The Account this year came in a little above \$8.5 million in revenue. This would appear that the approximate 1.2 requested by the Counties will be available for distribution.
- Q. Andy – Troy, I am not sure if this has occurred, but when will we see the updated numbers for the 4<sup>th</sup> Quarter FY07 True-Ups.
- A. Troy – You will receive those numbers after the final adjustments are made.

## **8. EPA Model Idling Rule**

- A. There was bill before the Nevada legislature that would have Nevada adopts the Model Idling law that EPA put together. That bill was defeated but it opened up a discussion between the trucking industry, NDEP and DMV about what our State can do to perhaps bring us into conformance with EPA's Model idling Law. There was a Commitment made to continue to bring this up before the Committee and allow the Nevada Motor Transport Association the opportunity to talk about the efforts they are engaged in with the Multi State Trucking Industry Organization.
- B. Ron Levine with the Nevada Motor Transport Association explained that they are talking with the MSTI which represents 11 western states who have adopted the model to use for the different states they drive through. NMTA would like to see that one model or law is passed for the State of Nevada to help aid in alleviating the confusion within the trucking industry while traveling through different locations.
  - Q. Andy – Ron is the Multi State Transportation Association in support of the EPA Model Rule?
  - A. Ron – Yes, they are.
  - Q. So if I were to make the next logical jump, does the Nevada Motor Transport Association plan to follow suite?
  - A. Ron – That depends on how we agree to put it together. I am just giving you their suggestions or recommendations from EPA and the rest will depend on how far we plan on going.
- C. The EPA Model idling Rule will remain on the agenda for discussion at the next I/M Committee meeting.

## **9. Discussion of Program Evaders**

- A. Program Evaders is a subject that is hard to ignore and it is growing increasingly frustrating. A program evader is a person that fails their initial emission inspection and instead of having the vehicle repaired they register the vehicle to a fictitious address. When a person evades the program, not only is air quality suffering but there is also a loss in County revenue. The idea would be to set up an enforcement program to start coming down on these evaders, but this will take a lot of effort and money.
- B. The Counties could not agree more. This is serious problem not only financially a problem but a problem with air quality. The Counties would look to the Department on how they can assist in tackling this issue.
- C. The Department has the ability to focus only on certain areas of this issue, which means that the problem is not only bigger than the Department but so is the solution. Andy requested that if there is anything that the Counties could help with that the request is brought to the Committee to be worked on as a group.
- D. Another issue that is being experienced with program evaders within the Industry is drive offs at the emission stations. Peter Krueger expressed that the loss in revenue is huge to the industry.
- E. The Department will identify the necessary changes that will need to be made to Legislation and bring that information back for support.

## **10. Light Duty Vehicle Weight Increase**

- A. The Department had previously raised the gross vehicle weight on the diesel program from 8,500 to 10,000 lbs. The reason behind stopping at 10,000 lbs was because the Departments dynamometer at both of the emission labs was only able to handle the single wheel vehicles.
- B. The Department is purchasing two new dynamometers for the emission labs which will be able to handle the gross vehicles ratings above 10,000 lbs which may bring these new vehicles into the program to the maximum axle rate of 26,000. This would require a change to statute. Glenn recommended raising the limit to 14,000 lbs.
  - **Q.** Sig – Glenn do the stations currently have these dyno’s or would they have to purchase them?
  - **A.** Glenn – The majority of the stations already have them.
  - **A.** Troy – Glenn is correct, most of the stations already have the dyno’s, however this topic is much longer than we have time for here today so I am going to request that we bring this topic back to agenda when we are not limited on time. There are other dynamics that we need to discuss to decide how we would like to handle this and because it is going to be a Legislative change we have time to address it later.

## **11. Dyno Load**

A. The Department is looking to change the load on these vehicles because testing is unable to catch if the vehicle is a gross polluter because the capacity is too light. This change to regulation was discussed with the Committee in the past however the language was withdrawn due to possible conflict with current dynamometers in operation and Worldwide. The new language is going to read 30% of whatever the manufacturer's horsepower rating on the engine is, not to exceed the maximum 100 horsepower.

➤ Q. Andy – Will this language be drafted and put out for workshop and hearing?

➤ A. Troy – Yes.

## 12. Dealer Audits – NAC 445B.575 Subsection 4

A. The Department was tasked with developing a policy and procedure on how to audit dealers that offer used cars for sale. The purpose of the policy was to ensure the vehicles had their emission devices. The Department discovered an NAC that is believed to be outdated and that is NAC 445B.575 subsection 4, which states: *The Department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection 4 of NAC 445B.580.* If you go on to read NAC 445B.580, that tells us we are able to look at the emission devices that are inspected during an emission test. This would pertain to a light duty vehicle that is 1995 and older or heavy duty vehicles. The interpretation that the Department has made is that an inspection of an OBDII vehicle on a dealer lot cannot be done because it is not written in regulation. An update will need to be made to this regulation under NDEP before the Department can enforce a policy to audit.

B. NDEP is willing to help the Department with the necessary changes to regulations, however NDEP would request a list of regulations that have been requested but not moved on from the DMV for tracking purposes.

## 13. On Board Diagnostics Defeat Switches

A. The Department of Motor Vehicles had a 2003 Ford Focus come through the emission lab with all of the monitors not supported. After a visual inspection they found a wire running from the DLC but they were unable to determine what it connected to. To them it looked like an obvious defeat switch. The Investigator tracking this issue suggested that there be a change to the test procedure for OBDII testing to require a visual inspection for the emission devices and if the inspection does not match up with the monitor results it would be a failure. This would cause for an increase in shop time for a visual inspection which would affect the shop rate. Lloyd is bringing this issue before the Committee to see if there are other recommendations.

B. Vince Mow with MACTEC offered to talk with Lloyd on how to get some survey information on how other States are handling this issue. Additionally, Vince informed Lloyd that EPA's office has been conducting research on these devices at the commercial level and have developed a list of devices that are currently out there. Lloyd should be

able to contact EPA for a copy of that list and use it to help aid in the detection of the defeat devices.

- Q. Andy – Are there any Federal Statutes that address an individual tampering with the emission devices on their own vehicle.
  - A. Lloyd – No.
- C. The way that the current procedure reads if the test comes back unsupported than the vehicle is passed.
- D. There are National OBD calls that may prove helpful with this issue. Perhaps receiving additional input from the other States. The Department is going to continue to research this issue and engage in further discussions with EPA and Vince Mow with MACTEC.

#### **14. Replica Vehicle Legislation**

- A. Assembly Bill 321 passed however there were some significant amendments in the bill which allows an emission exemption for replica vehicles. The exemption only applies to the first 100 vehicles in Nevada which would meet the replica vehicle criteria. The Departments IT staff along with the Research and Development Division and the Compliance Enforcement Division is working on getting this flowing. The database is being modified and the procedure is being developed, however it is in place as the legislation had a July 1<sup>st</sup> implementation. Since the Department is responsible for all of the registration procedures for these vehicles the stats show that there is only 7 vehicles that have applied for this exemption to date.
- Q. Andy – Is the Department keeping track of the number of vehicles applying for this exemption?
  - A. Lloyd – yes.
  - Q. Andy – So when number 101 comes down you tell them no, come back next year?
  - A. Troy – No, the bill did not read 100 per year, it is 100 total. That was pointed out to the sponsor and that was his intent.

#### **15. Public Comments**

- A. Adele Malone with NDEP talked about the State implementation plan at the last meeting and addressed I/M SIP's that were submitted in 1994 for Truckee and 1996 for Clark County. The most recent action has been an update that was submitted in May of this year and what we have done is in order to help the Truckee Meadows Carbon dioxide re-designation request approved we have to update the I/M SIP's. This update of the Statutes and the Regulations for the Truckee Meadows was sent in and we requested that at the same time they update that information with Clark County's I/M SIP's, per our agreement with Clark County. This is where we currently are waiting for an action from EPA.



- B. Lloyd Nelson with the Department reminded all of the Committee members that appointments all expire this coming October along with the appointed position of the Chair. Reminder letters will be sent to members Administration for re-appointments. Nominations of the appointed Chair position will be placed on the next meeting agenda along with the recommended Co-Chair positions.

**16. Next Meeting and Adjournment**

- A. The next I/M Advisory Committee meeting will be set for October 25<sup>th</sup>, in Las Vegas. Dennis Ransel Clark County will reserve a meeting location.
- B. The meeting adjourned at 12:28 pm.