

ON THE ROAD TO A CLEANER NEVADA

with Clean Car Standards

CLEANER AIR

HEALTHIER
COMMUNITIES

STRONGER
ECONOMY



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



Clean Cars Nevada

*On the Road to a
Cleaner Nevada*

**WEBINAR –
December 8, 2020
1:30 to 3:30 PM**



Greg Lovato
Administrator

Jennifer Carr
*Deputy
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Jeffrey Kinder
*Deputy
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Director



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Presentation Outline

1. Introduction

- Clean Cars Nevada Initiative Announced in June 2020
- What is Clean Cars Nevada?
- Why Clean Cars Nevada?

2. Air Pollutants and the Transportation Sector

- Greenhouse Gas (GHG) Emissions and Climate Change
- Criteria Air Pollutants and the Nevada/National Ambient Air Quality Standards
- Hazardous Air Pollutants (HAPs)

3. Health Challenges from Air Pollutants

- How does Climate Change Affect Health?
- Ozone and Particulate Matter Pollution
- Hazardous Air Pollutants (HAPs)



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Presentation Outline

4. Authority to Adopt Clean Car Regulations

- The Clean Air Act
- Differences Between Federal and California LEV
- Federal Waiver and California LEV-GHG and ZEV
- Nevada Revised Statutes

5. The Regulatory Process and Opportunities for Public Input and Participation

6. What Do These Regulations Apply To?

7. Revisions to the Proposed Regulatory Language as Submitted to the LCB on June 22, 2020

8. Where to Find Out More



Clean Cars Nevada Initiative Announced

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State of Nevada

**CLIMATE
INITIATIVE**

In June 2020, Governor Sisolak announced Clean Cars Nevada, as part of the State of Nevada Climate initiative

Clean Cars Nevada will help advance the State's climate change and sustainability goals, reduce harmful air pollution from cars and light-duty trucks on Nevada roads, and strengthen the economy.

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What is Clean Cars Nevada?

Clean Cars Nevada is Proposing the Evaluation and Potential Adoption of Two New Regulatory Programs

-  Low Emission Vehicle (LEV) Program - Meet emission requirements that reduce greenhouse gases, criteria air pollutants, and hazardous air pollutants.
-  Zero Emission Vehicle (ZEV) Program - Introduction of clean vehicle technology in Nevada.





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Why Clean Cars Nevada?

Clean Cars Nevada Will Address Three Air Program Challenges

1. Greenhouse Gas (GHG) Emission Reduction Goals.
2. Criteria Air Pollutants and Attainment with the Nevada/National Ambient Air Quality Standards (NAAQS).
3. Hazardous Air Pollutants (e.g. Formaldehyde).





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Why Clean Cars Nevada?

Senate Bill No. 254 (2019):

- Requires percentage reduction in GHG emissions statewide compared to 2005:
 - 28% by 2025
 - 45% by 2030
 - Zero or near-zero by 2050

Executive Order 2019-22:

- Directs Executive Branch to advance Nevada's climate goals.
- State Climate Strategy-framework for policymakers to evaluate the alignment of various climate policies and programs with timelines and benchmarks to achieve GHG emission reduction goals



GHG Emissions and the Transportation Sector

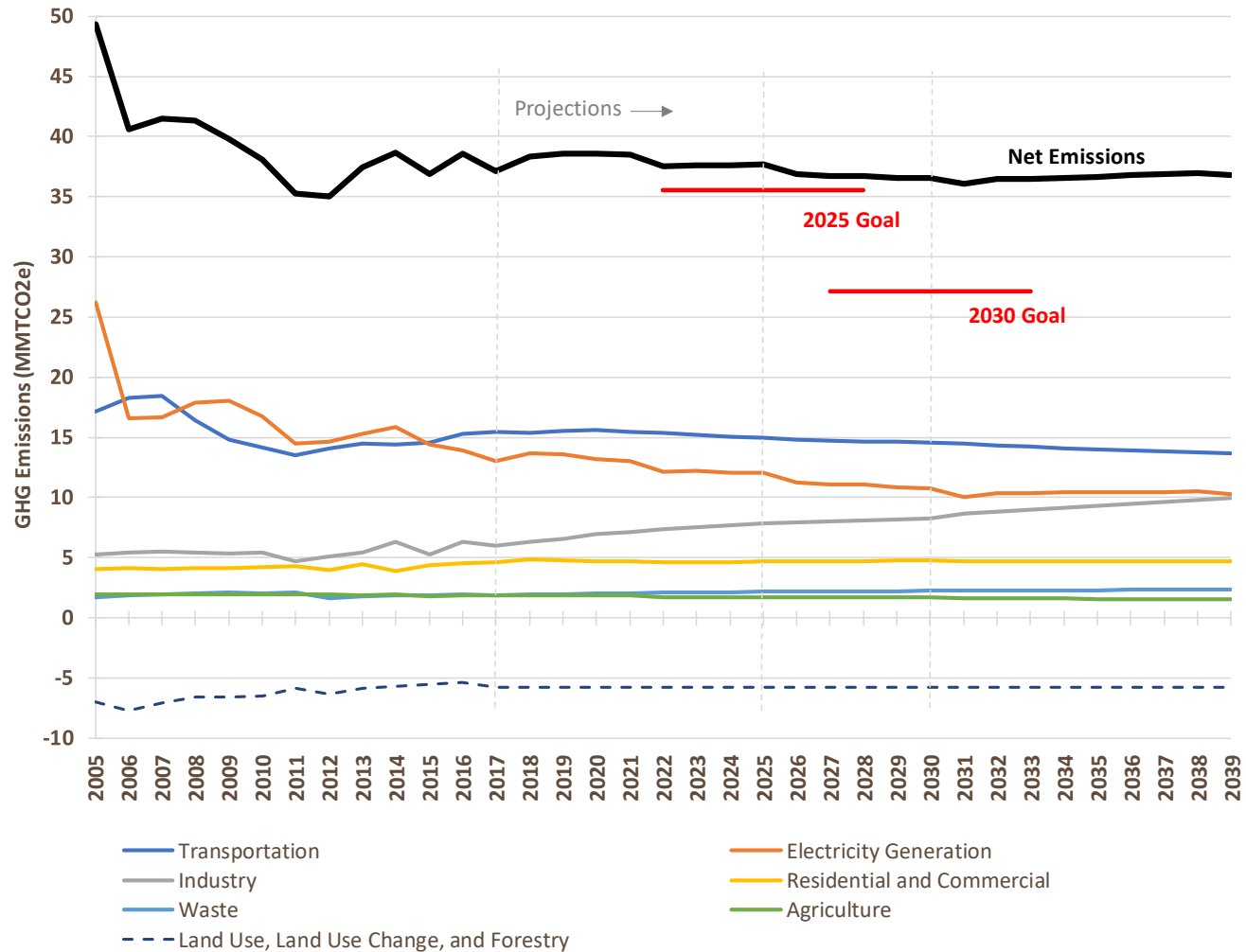
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Nevada's Statewide Inventory of GHG Emissions and a 20-Year Projection



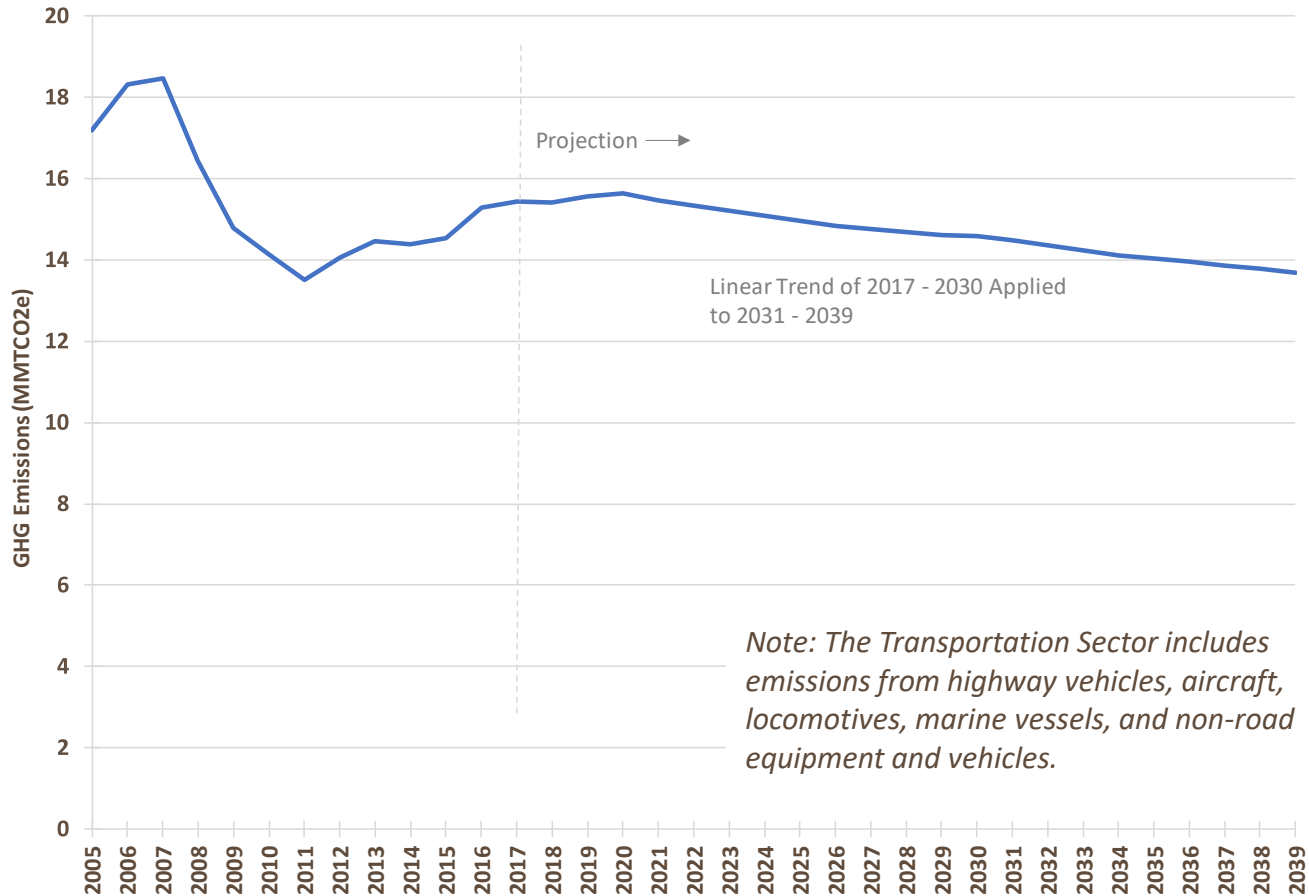


GHG Emissions and the Transportation Sector

Nevada's Statewide Inventory of GHG Emissions and a 20-Year Projection – *A closer look at the transportation sector GHG Emissions and Projections*

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Note: The Transportation Sector includes emissions from highway vehicles, aircraft, locomotives, marine vessels, and non-road equipment and vehicles.

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GHG Emissions and the Transportation Sector

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GHG Emission Projections Assume

- Tier 3 standards (the same as CA's LEV standards) would remain in place. That is, the projections do not reflect emissions increases from federal adoption of less stringent standards (SAFE Rule);
- AND, it does not consider emissions reductions from the adoption of a ZEV Program in Nevada.

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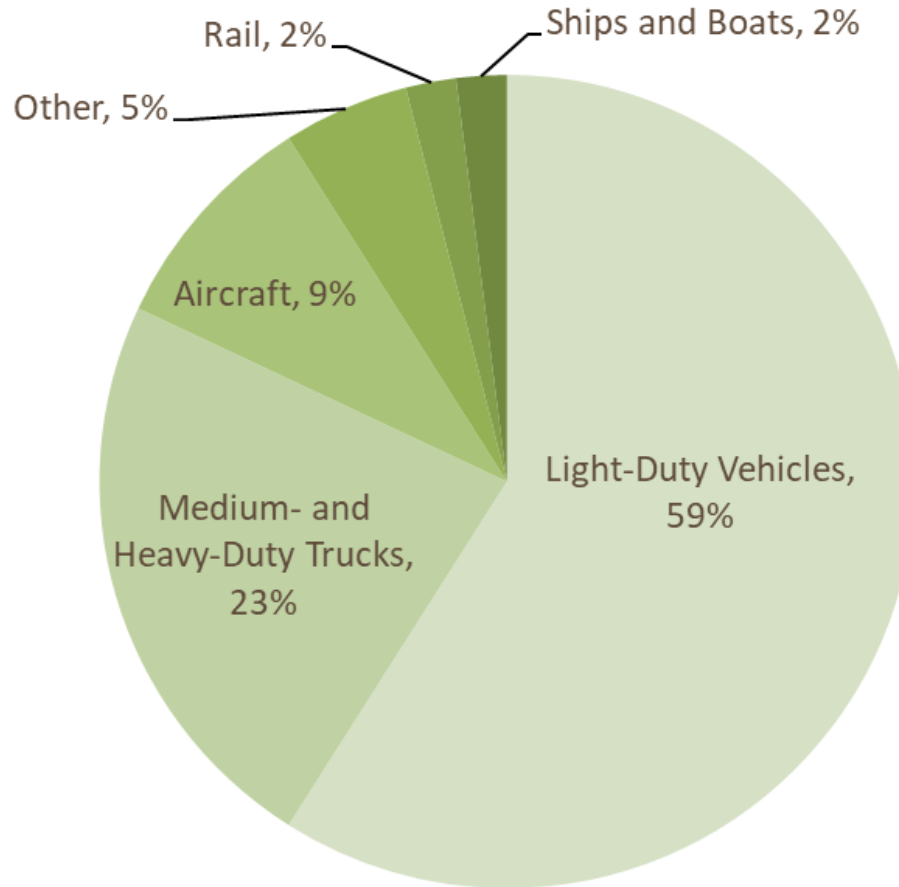
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GHG Emissions and the Transportation Sector

2018 US Transportation Sector GHG Emissions by Source



Source: <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>





Criteria Air Pollutants and the Transportation Sector

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The Clean Air Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment

Types of standards:

-  **Primary** - provide public health protection (e.g., protecting “sensitive” populations such as asthmatics, children, and the elderly)
-  **Secondary** - provide public welfare protection (e.g., preventing decreased visibility and damage to animals, crops, vegetation, and buildings)

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Criteria Air Pollutants and the Transportation Sector

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Criteria Air Pollutant	Primary NAAQS	Secondary NAAQS
Carbon Monoxide (CO)	X	
Lead (Pb)	X	X
Nitrogen Dioxide (NO ₂)	X	X
Ozone (O ₃)	X	X
Particle Pollution (PM) – PM _{2.5} and PM ₁₀	X	X
Sulfur Dioxide (SO ₂)	X	X
Hydrogen Sulfide (Nevada Only)		

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Criteria Air Pollutants: Ozone

- Ground level ozone, is not emitted directly into the air, but is created by chemical reactions between nitrogen oxides (NO_x) and volatile organic compounds (VOC). This happens when pollutants emitted by cars and other sources chemically react in the presence of heat and sunlight.
- Ozone is most likely to reach unhealthy levels on hot sunny days in urban environments but can still reach high levels during colder months. Ozone can also be transported long distances by wind, so even rural areas can experience high ozone levels.

Source: <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>



Criteria Air Pollutants and the Transportation Sector

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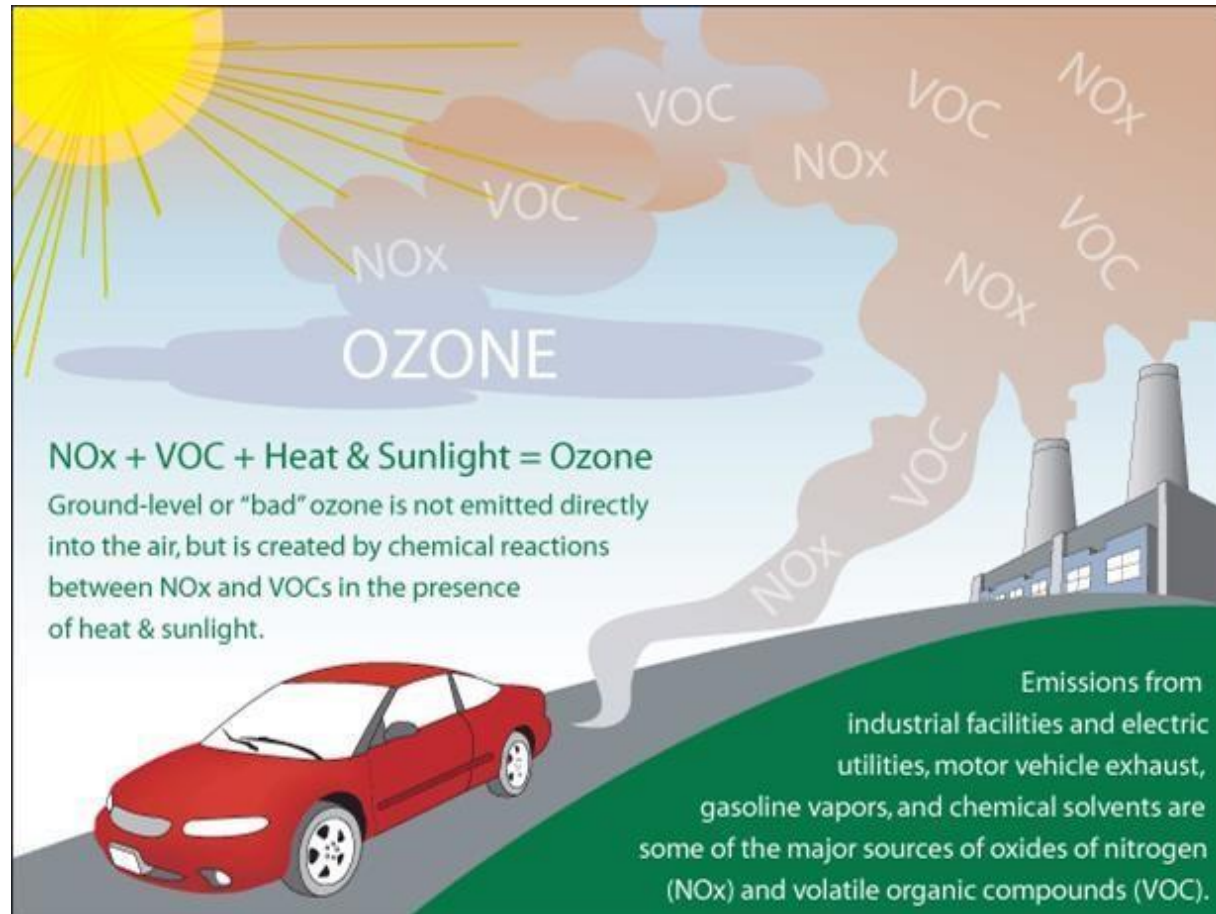
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Criteria Air Pollutants: Ozone



Source: <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>



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Criteria Air Pollutants: Particulate Matter Pollution

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Particulate Matter Pollution is a mixture of solid particles and liquid droplets found in the air:



Primary particles: emitted directly from a source (e.g., construction sites, unpaved roads, fields, smokestacks, or fires).



Secondary particles: form in complicated reactions in the atmosphere. Emitted from power plants, industries, and motor vehicles.

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Source: <https://www.epa.gov/mobile-source-pollution/how-mobile-source-pollution-affects-your-health>



Criteria Air Pollutants and the Transportation Sector

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Attainment: Any area that meets or is cleaner than the NAAQS.

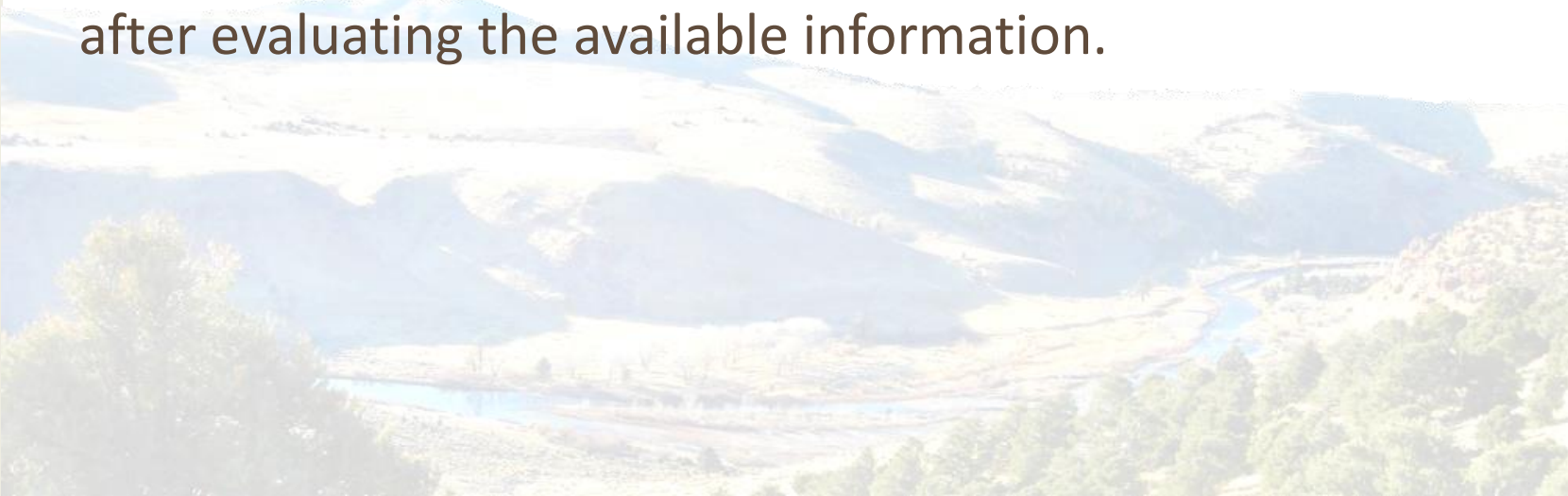
Nonattainment: Any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the NAAQS.

Unclassifiable: Not able to determine an area's status after evaluating the available information.

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Criteria Air Pollutants and the Transportation Sector

Nevada is currently in attainment with the State and National Ambient Air Quality Standards (NAAQS), though:

- In Clark County, the Las Vegas Valley was designated marginal nonattainment for the 8-Hour 2015 Ozone NAAQS in August 2018.
- Washoe County is currently designated in attainment for the 2015 Ozone NAAQS; however, recent ozone levels have been close to 100 percent.
- In Carson City / Douglas, ozone levels are also approaching the NAAQS.

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Criteria Air Pollutants and the Transportation Sector

Q. What happens when an area goes into nonattainment for NAAQS?

A. Offset requirements go into effect:

- Offset requirements for ozone nonattainment areas — the ratio of total actual emissions reductions of VOC to the emissions increase of VOC in any marginal nonattainment area for ozone — must be at least 1.1:1
- New and expanding businesses may have to seek offsets from businesses shutting down or reducing operations in order to be permitted for operation.

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Hazardous Air Pollutants and the Transportation Sector

Under the Clean Air Act, EPA is required to regulate emissions of Hazardous Air Pollutants (HAPs). There are currently 187 HAPs

HAPs Associated with the Transportation Sector include:

- Acetaldehyde
- Acrolein
- Benzene
- 1,3-Butadiene
- Formaldehyde

Source: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-control-air-pollution-motor-vehicles-tier-3>



Health Challenges from Air Pollutants

GHG Emissions and Climate Change

Climate change can affect human health in two main ways:

- First, by changing the severity or frequency of health problems that are already affected by climate or weather factors; and
- Second, by creating unprecedented or unanticipated health problems or health threats in places where they have not previously occurred.

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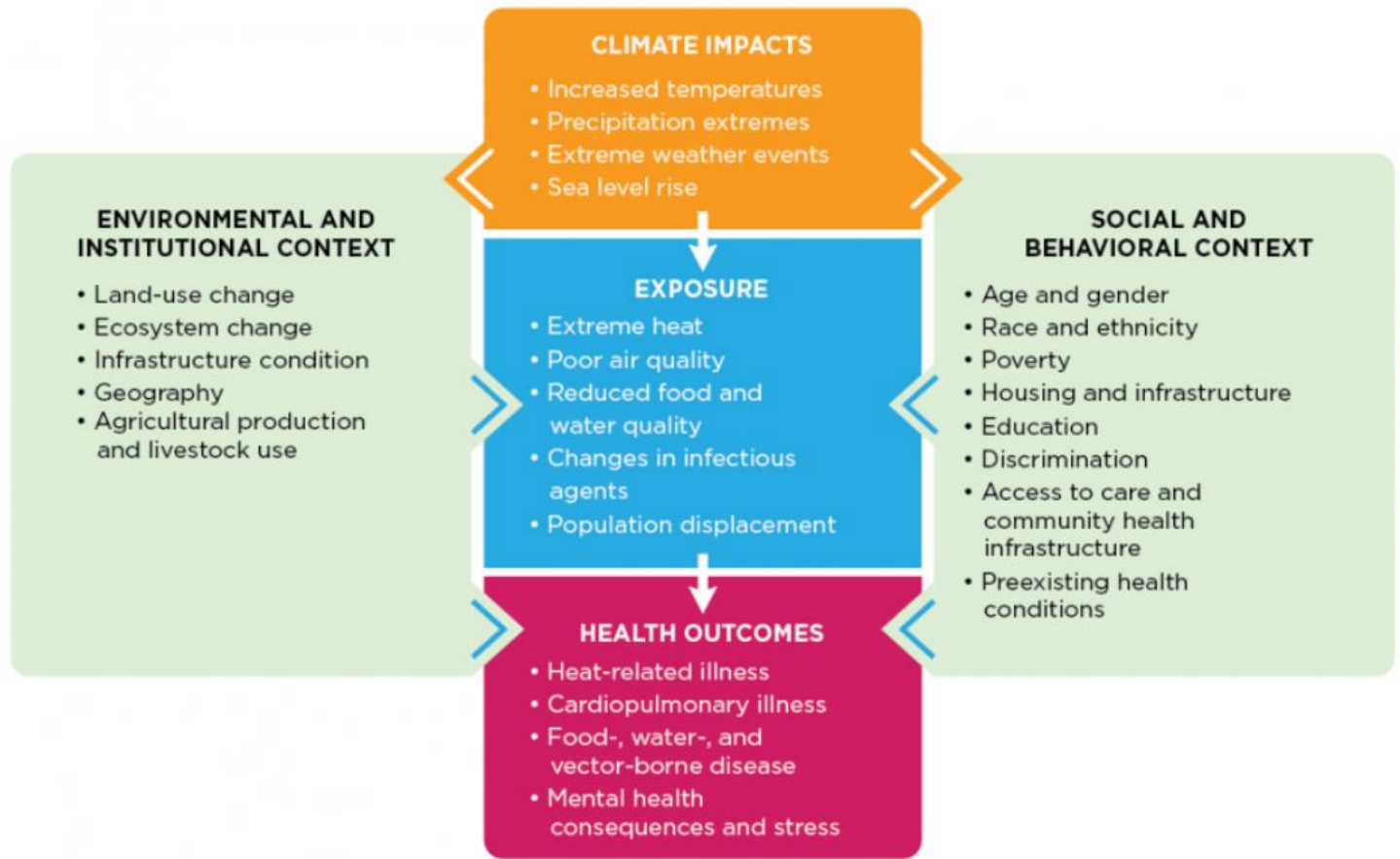
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Source: <https://health2016.globalchange.gov/climate-change-and-human-health>



Health Challenges from Air Pollutants

Climate Change and the Health Pathway



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Source: <https://www.epa.gov/climate-indicators/understanding-connections-between-climate-change-and-human-health>



Health Challenges from Air Pollutants

Criteria Air Pollutants / Hazardous Air Pollutants

Cars and light-duty trucks that combust fuel emit smog-forming emissions (e.g., nitrogen oxide, non-methane organic gases, carbon monoxide, particulate matter pollution, formaldehyde).

These emissions are usually trapped close to the ground, forming a brownish haze that pollutes our air.

Ozone, a main ingredient in smog, is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC).

Source: <https://www.epa.gov/greenvehicles/light-duty-vehicle-emissions>

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Health Challenges from Air Pollutants

Smog Formation from Criteria Air Pollutants and Hazardous Air Pollutants



Source: <https://www.reviewjournal.com/news/las-vegas-valley-gets-f-for-ozone-pollution/>

Smog can make it difficult for some people to breathe, triggering lung diseases such as asthma, emphysema, and chronic bronchitis, which may lead to premature death.

Source: <https://www.epa.gov/greenvehicles/light-duty-vehicle-emissions>

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Authority to Adopt Clean Car Regulations

Clean Air Act, Title I – Air Pollution Prevention and Control, Part D – Plan Requirements for Nonattainment Areas, Section 177 (42 U.S. Code § 7507) – New Motor Vehicle Emission Standards in Nonattainment Areas

State may adopt and enforce for any model year standards relating to control of emissions from new motor vehicles or new motor vehicle engines if:

- Standards are identical to the California standards for which a waiver has been granted for such model year; and
- California and States adopt standards at least two years before commencement of model year.

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Clean Air Act, Title I

No “third vehicle”

- Nothing in this section or in subchapter II of this chapter shall be construed as authorizing any such State to prohibit or limit, directly or indirectly, the manufacture or sale of a new motor vehicle or motor vehicle engine that is certified in California as meeting California standards, or to take any action of any kind to create, or have the effect of creating, a motor vehicle or motor vehicle engine different than a motor vehicle or engine certified in California under California standards (a “third vehicle”) or otherwise create such a “third vehicle”.



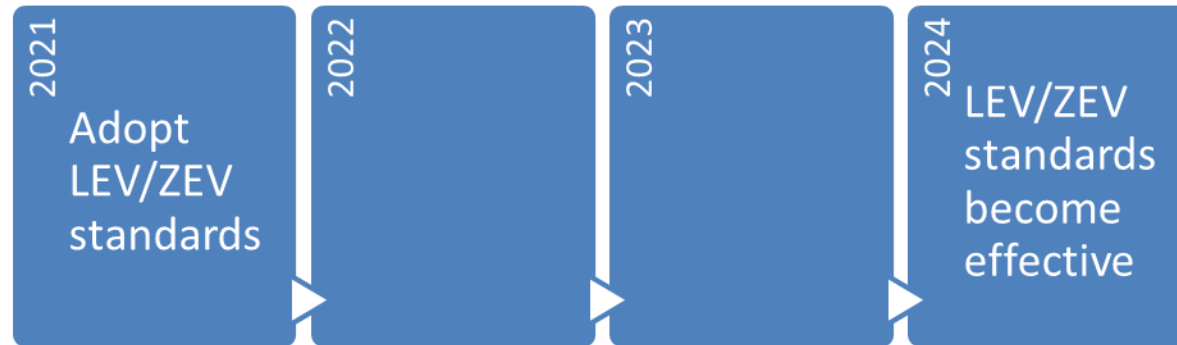
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Clean Air Act, Title I

The federal Clean Air Act requires two full model years between finalization and enforcement of the rule. If NDEP/DMV adopt the LEV and ZEV standards before the end of 2021, the standards will become effective sometime during 2024 for Model Year (MY) 2025.



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States that have Adopted California's Vehicle Standards under Section 177 of the Federal Clean Air Act

State	Applicable Model Year (MY)			State's Share (%) of US New Light-Duty Vehicle Sales
	LEV Program		ZEV Program	
	Criteria Air Pollutant Regulation	GHG Regulation		
<i>California</i>	1992	2009	1990	11.7%
<i>New York</i>	1993	2009	1993	6.0%
<i>Massachusetts</i>	1995	2009	1995	2.1%
<i>Vermont</i>	2000	2009	2000	0.3%
<i>Maine</i>	2001	2009	2001	0.4%
<i>Pennsylvania</i>	2001	2009		3.9%
<i>Connecticut</i>	2008	2009	2008	1.0%
<i>Rhode Island</i>	2008	2009	2008	0.3%
<i>Washington</i>	2009	2009	X	1.8%
<i>Oregon</i>	2009	2009	2009	1.0%
<i>New Jersey</i>	2009	2009	2009	3.5%
<i>Maryland</i>	2011	2011	2011	2.0%
<i>Delaware</i>	2014	2014		0.3%
<i>Colorado</i>	2022	2022	2023	1.6%
<i>Nevada</i>	X	X	X	
<i>Minnesota</i>	X	X	X	
<i>New Mexico</i>	X	X	X	
<i>* In the process of adoption or evaluating standards</i>				35.8%

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Source: <https://ww2.arb.ca.gov/sites/default/files/2019-03/177-states.pdf>



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Differences Between Federal and California LEV

The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule – Part Two:

- On March 31, 2020 the EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) jointly issued the final rulemaking entitled, “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part Two”. In the rule, the agencies set greenhouse gas (GHG) and Corporate Average Fuel Economy (CAFE) standards for model year 2021 to 2026 light duty vehicles.

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Source: <https://www.federalregister.gov/documents/2020/04/30/2020-06967/the-safer-affordable-fuel-efficient-safe-vehicles-rule-for-model-years-2021-2026-passenger-cars-and>



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Differences Between Federal and California LEV

The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule – Part Two:

- The final rule will increase stringency of CAFE and CO₂ emissions standards by 1.5% each year through model year 2026, as compared with the standards issued in 2012, which would have required about 5% annual increases.

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Source: <https://www.federalregister.gov/documents/2020/04/30/2020-06967/the-safer-affordable-fuel-efficient-safe-vehicles-rule-for-model-years-2021-2026-passenger-cars-and>



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Differences Between Federal and California LEV

Projected 2021-2025 Fleet-Wide CO2 and Fuel Economy Compliance Levels:

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Combined Cars and Light-Duty Trucks		Model Year (MY)				
		2021	2022	2023	2024	2025
CO ₂ , g/mi	Federal – 2020 Standards	214	211	207	204	202
	Federal – 2012 Standards ~ California	199	190	180	171	163
CAFE mpg	Federal – 2020 Standards	37.3	37.9	38.5	39.1	39.8
	Federal – 2012 Standards ~ California	42.3	43.4	44.4	45.8	46.8

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Source: <https://deg.utah.gov/air-quality/greenhouse-gas-tier-3-standards-answers>



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The Federal Waiver and California LEV-GHG and ZEV

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The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule – Part One:

- On September 19, 2019 the EPA and the NHTSA jointly issued the final rulemaking entitled, “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program”. In the rule, the agencies withdraw California’s waiver it had previously provided for that State’s LEV GHG and ZEV programs.

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Source: <https://www.federalregister.gov/documents/2019/09/27/2019-20672/the-safer-affordable-fuel-efficient-safe-vehicles-rule-part-one-one-national-program>



Authority to Adopt Clean Car Regulations

The Federal Waiver and California LEV-GHG and ZEV

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The Federal Waiver and the Effective Date of the Proposed Regulation:

- For the draft regulation, the effective date will reference that this regulation becomes effective at such time as the waiver issued by the EPA is reinstated or a new waiver is issued, provided that such event occurs at least 2 years before the first model year to which the regulation applies.

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NRS 445B.760 Authority of Commission to prescribe standards for emissions from mobile internal combustion engines; trimobiles; standards pertaining to motor vehicles to be approved by Department of Motor Vehicles

The State Environmental Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives.

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The Regulatory Process and Opportunities for Public Input and Participation

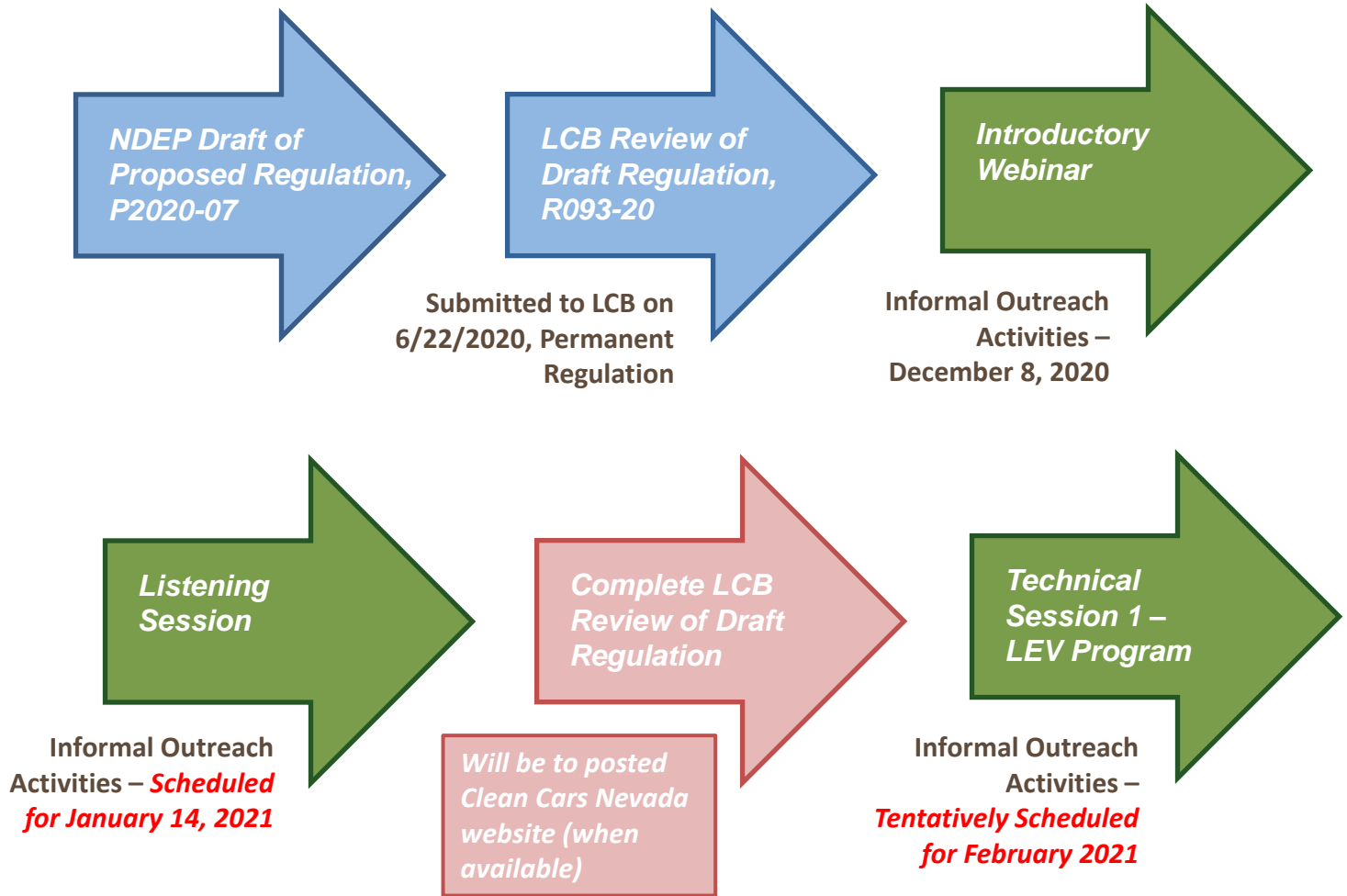
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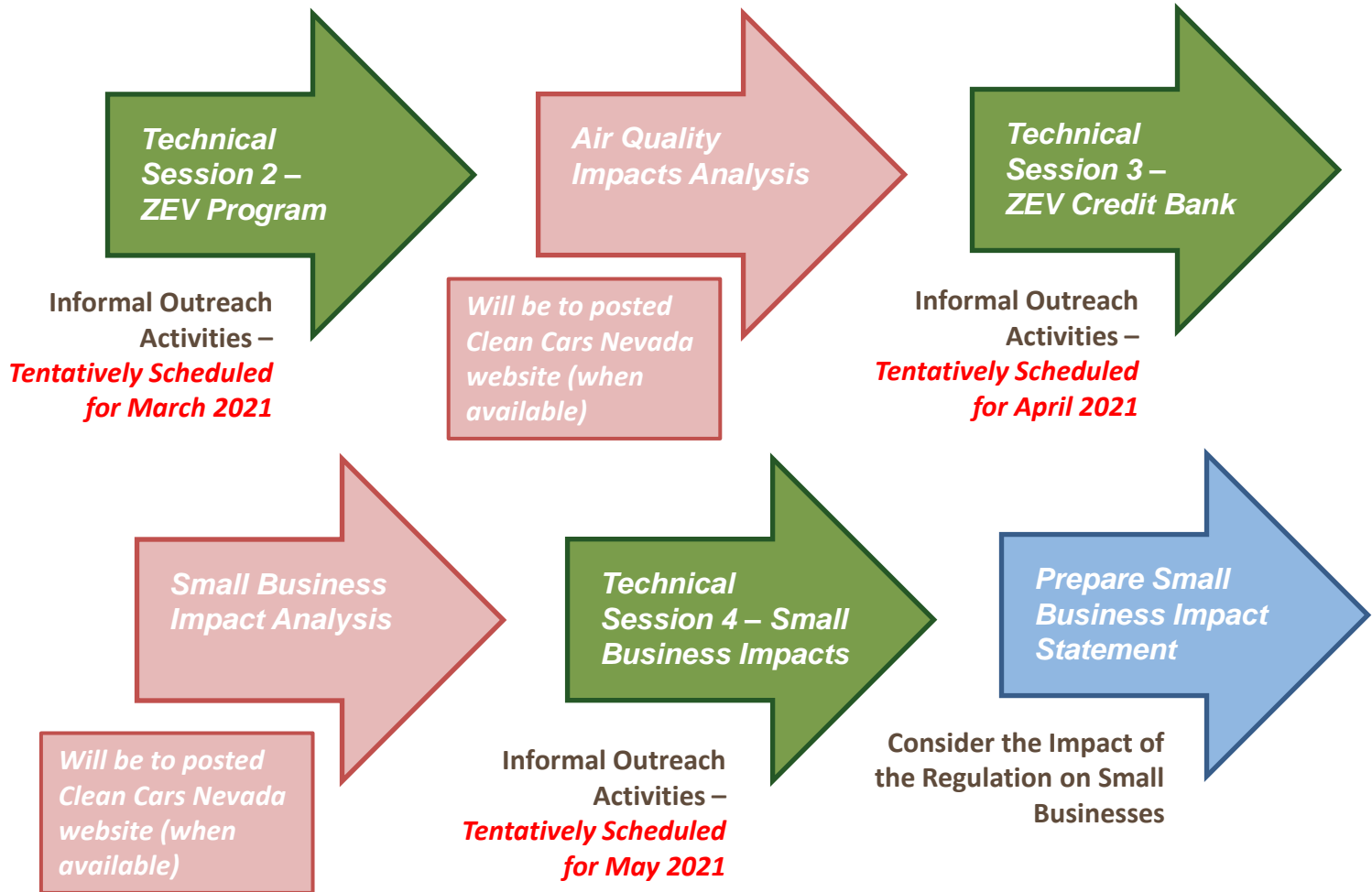
Note: BLUE = Regulatory Step; GREEN = Informal Activity; and RED = Data/Analysis Step



The Regulatory Process and Opportunities for Public Input and Participation

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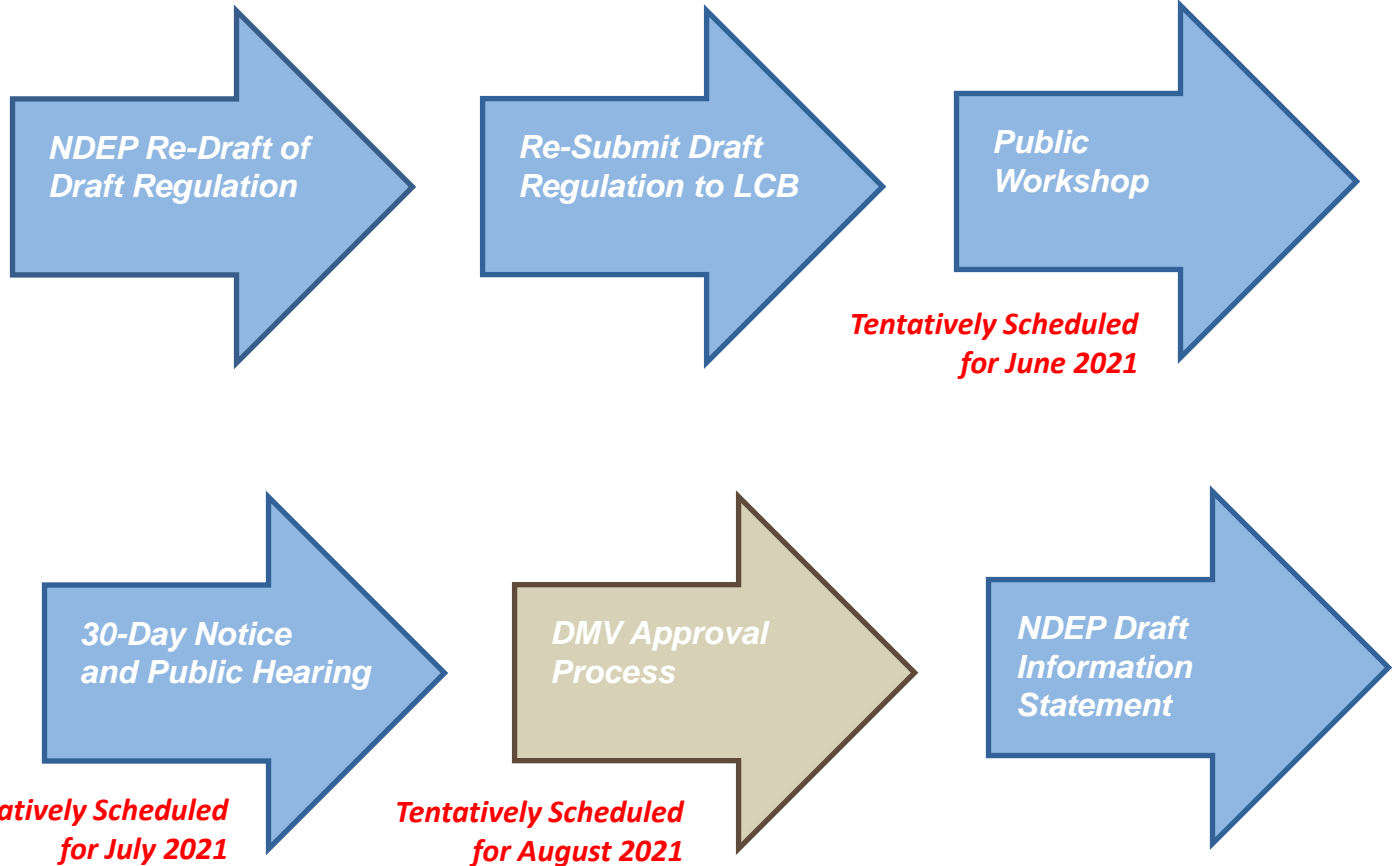
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The Regulatory Process and Opportunities for Public Input and Participation (continued)

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Note: BLUE = Regulatory Step and BROWN = DMV Process



The Regulatory Process and Opportunities for Public Input and Participation (continued)

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Complete Regulatory Process by End of 2021 for Model Year 2025 Vehicles (Available Sometime in 2024)

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What Do These Regulations Apply To?

Proposed Programs Apply to the Following Vehicle Types:



“Passenger car” means any motor vehicle designed primarily for transportation of persons and having a design capacity of twelve (12) persons or less.



“Light-duty truck” means any motor vehicle rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle, rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

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What Do These Regulations Apply To?

Proposed Programs Apply to the Following Vehicle Types:



“Medium-duty passenger vehicle” means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons.



“Medium-duty vehicle” means any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.



Other vehicles such as tractors, construction equipment and long-haul commercial and industrial vehicles are not regulated under this rule.

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What Do These Regulations Apply To?

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LEV Program

The LEV program would require new (MY 2025) passenger cars, light-duty trucks, medium-duty passenger vehicles, and medium-duty vehicles sold in Nevada to meet certain emissions requirements that reduce:

- 🌿 Greenhouse gases (GHGs);
- 🌿 Criteria Air Pollutants such as carbon monoxide (CO) and nitrogen oxide (NO_x);
- 🌿 Volatile Organic Compounds (VOCs); and
- 🌿 Hazardous Air Pollutants (HAPs)



What Do These Regulations Apply To?

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ZEV Program

How the ZEV program would work:

-  ZEV credit % requirement based on average annual sales.
-  Original Equipment Manufacturers (OEMs) generate ZEV credits through introduction of clean vehicle technology.
-  These clean vehicle technologies include full battery-electric, hydrogen fuel cell, and plug-in hybrid-electric vehicles.



What Do These Regulations Apply To?

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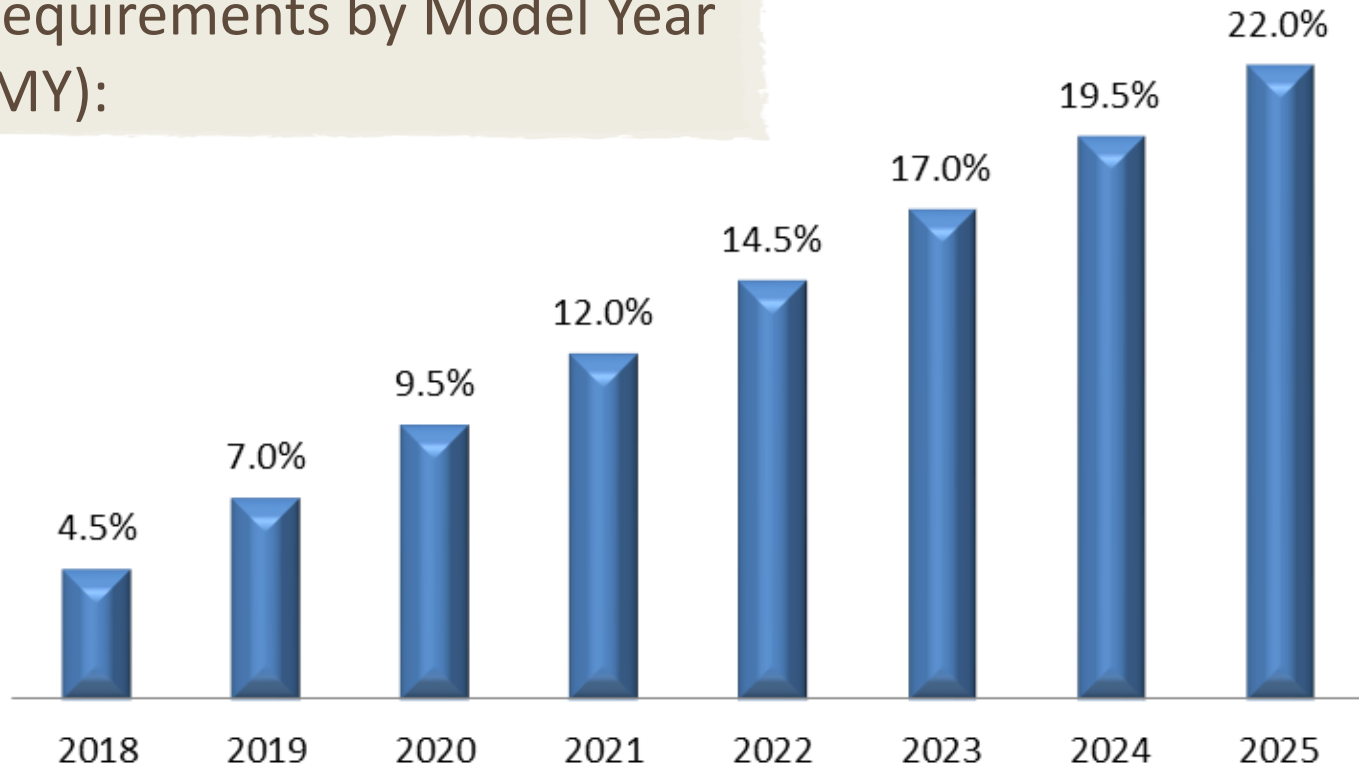
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ZEV Program

Total ZEV Credit Percentage Requirements by Model Year (MY):





Revisions to the Proposed Regulatory Language as Submitted to the LCB on June 22, 2020

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Proposed Revisions to R093-20

- Add language to address withdrawal of the California waiver.
- Removing references to model years not part of the proposed regulation from the definitions.
- Strike NAC 445B.920.1(h) related to exceptions for vehicles available only for rent to a final destination.
- Clarifying reporting requirements and timelines.
- Strike NAC 445B.925.1(c)(1) related to submittal of copies of the Failure of Emission-Related Components reports.



Revisions to the Proposed Regulatory Language as Submitted to the LCB on June 22, 2020

Clean Cars Nevada

On the Road to a Cleaner Nevada

Bradley Crowell
Director



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**

Proposed Revisions to R093-20

- Add definitions for “ultimate purchaser” and “subsequent purchaser”.
- Adjust ZEV proportional starting and early credits.
- Clarify for the purposes of the civil penalties pursuant to NRS 445B.835, a notice of alleged violation shall be issued for each vehicle not meeting the ZEV credit obligations.



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Where to Find Out More



Visit NDEP Clean Cars Website for updates
<http://ndep.nv.gov/air/clean-cars-nevada>



E-mail at CleanCarsNevada@ndep.nv.gov



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Clean Cars Nevada



**NDEP will be hosting a
Listening Session on
Thursday, January 14, 2021**

More details to follow.