

SENATE BILL NO. 534—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF AIR QUALITY PROGRAMS IN CLARK COUNTY (SB 432))

MARCH 26, 2001

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to control of air pollution. (BDR 40-794)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to air pollution; requiring the state department of conservation and natural resources to take certain actions with regard to the financing of programs for the control of air pollution; providing for the review of an implementation plan of a local air pollution control board by the department; requiring the department to establish standards for the control of regional haze; requiring certain local air pollution control boards to conduct an audit of their programs for the control of air pollution; requiring the department to establish a program that provides incentives for the repair of motor vehicles which do not comply with the standards for emissions; revising the provisions relating to the determination of the adequacy of certain programs for the control of air pollution; requiring the department to establish a program to provide incentives for the use of alternative fuels in motor vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** Chapter 445B of NRS is hereby amended by adding thereto  
2 sections 2 to 6, inclusive, to read as follows:

3     **Sec. 2.** *“Local air pollution control board” means a board that*  
4 *establishes a program for the control of air pollution pursuant to NRS*  
5 *445B.500.*

6     **Sec. 3.** *The department shall:*

7         1. *Review the financial condition of each program for the control of*  
8 *air pollution and determine the present and future financial needs of the*  
9 *program;*

10        2. *Apply for money from sources that make money available for*  
11 *programs for the control of air pollution;*



1     3. *Establish priorities for use of money received by the department by*  
2 *local air pollution control boards in their programs for the control of air*  
3 *pollution; and*

4     4. *Recommend legislation relating to providing money for programs*  
5 *for the control of air pollution to the legislature.*

6     **Sec. 4.** 1. *Before adopting an implementation plan or a revision of*  
7 *such a plan, a local air pollution control board shall submit the plan or*  
8 *revision to the department. The department shall review the plan or*  
9 *revision to determine whether the plan or revision complies with the*  
10 *requirements of the Federal Act, and the regulations adopted pursuant*  
11 *thereto, and with the measures for control of air pollution carried out by*  
12 *the state. If the department determines that an implementation plan or*  
13 *revision thereof does not comply with the requirements of the Federal*  
14 *Act and with the control measures implemented by the state, the*  
15 *department shall return the plan or revision to the local air pollution*  
16 *control board and assist the local pollution control board in revising the*  
17 *plan or revision to conform to the federal requirements and the measures*  
18 *for control of air pollution by the state.*

19     2. *The department shall:*

20     (a) *Assist local air pollution control boards in the development of*  
21 *programs for the control of air pollution;*

22     (b) *Review programs for the control of air pollution to ensure that the*  
23 *programs comply with state and federal laws and regulations and with*  
24 *applicable implementation plans; and*

25     (c) *Monitor requirements for control of air pollution in the Federal*  
26 *Act, and the regulations enacted pursuant thereto.*

27     3. *As used in this section, "implementation plan" means an*  
28 *implementation plan required pursuant to the Federal Act.*

29     **Sec. 5.** 1. *The department shall:*

30     (a) *Establish standards for the control of regional haze;*

31     (b) *Assist a local air pollution control board in establishing measures*  
32 *for control of regional haze;*

33     (c) *Periodically review the progress of a local air pollution control*  
34 *board in controlling and reducing regional haze; and*

35     (d) *If this state is required by federal law or regulation to submit a*  
36 *plan for the control of regional haze, establish and submit to the Federal*  
37 *Government a plan for the control of regional haze for this state in*  
38 *accordance with the federal laws and regulations relating thereto.*

39     2. *A local air pollution control board shall:*

40     (a) *Consult with the department regarding the control of regional*  
41 *haze; and*

42     (b) *Establish measures to reduce and control regional haze.*

43     3. *As used in this section, "regional haze" has the meaning ascribed*  
44 *to it in 40 C.F.R. § 51.301.*

45     **Sec. 6.** 1. *The local air pollution control board in a county whose*  
46 *population is 400,000 or more shall provide for a biennial audit of its*  
47 *program for the control of air pollution.*



- 1     2. *The audit must include, without limitation, a detailed evaluation*  
2 *of the following areas of the program:*  
3     (a) *Planning for the control and reduction of air pollution;*  
4     (b) *Monitoring of ambient air quality;*  
5     (c) *Issuance, renewal and revocation of permits for the control of air*  
6 *pollution; and*  
7     (d) *Enforcement of the program.*  
8     3. *The audit must be:*  
9     (a) *Performed by an independent contractor who must be hired by the*  
10 *local air pollution control board; and*  
11     (b) *Submitted to the commission on or before November 30 of each*  
12 *even-numbered year.*  
13     4. *The local air pollution control board, in consultation with the*  
14 *department and the United States Environmental Protection Agency,*  
15 *shall develop specific criteria for the independent contractor to consider*  
16 *when conducting the audit.*  
17     Sec. 7. NRS 445B.105 is hereby amended to read as follows:  
18     445B.105 As used in NRS 445B.100 to 445B.640, inclusive, *and*  
19 *sections 2 to 6, inclusive, of this act*, unless the context otherwise requires,  
20 the words and terms defined in NRS 445B.110 to 445B.155, inclusive, *and*  
21 *section 2 of this act* have the meanings ascribed to them in those sections.  
22     Sec. 8. NRS 445B.503 is hereby amended to read as follows:  
23     445B.503 1. In addition to the duties set forth in NRS 445B.500, the  
24 local air pollution control board in a county whose population is 400,000 or  
25 more shall cooperate with the regional planning coalition and the regional  
26 transportation commission in the county in which it is located to:  
27     (a) Ensure that the plans, policies and programs adopted by each of  
28 them are consistent to the greatest extent practicable.  
29     (b) Establish and carry out a program of integrated, long-range planning  
30 that conserves the economic, financial and natural resources of the region  
31 and supports a common vision of desired future conditions.  
32     2. Before adopting or amending a plan, policy or program, a local air  
33 pollution control board shall:  
34     (a) Consult with the regional planning coalition and the regional  
35 transportation commission; and  
36     (b) Conduct hearings to solicit public comment on the consistency of  
37 the plan, policy or program with:  
38         (1) The plans, policies and programs adopted or proposed to be  
39 adopted by the regional planning coalition and the regional transportation  
40 commission; and  
41         (2) Plans for capital improvements that have been prepared pursuant  
42 to NRS 278.0226.  
43     3. As used in this section:  
44     (a) ~~“Local air pollution control board” means a board that establishes a~~  
45 ~~program for the control of air pollution pursuant to NRS 445B.500.~~  
46 ~~—(b)—~~ “Regional planning coalition” has the meaning ascribed to it in  
47 NRS 278.0172.



1 ~~(c)~~ (b) "Regional transportation commission" means a regional  
2 transportation commission created and organized in accordance with  
3 chapter 373 of NRS.

4 **Sec. 9.** NRS 445B.520 is hereby amended to read as follows:

5 445B.520 1. If a county required to establish or participate in ~~an air~~  
6 ~~pollution control~~ a program *for the control of air pollution* fails to do so,  
7 or if the commission believes that a program previously approved is  
8 inadequate, it shall hold a public hearing. If it finds that an adequate  
9 program has not been adopted or that a program has become inadequate, it  
10 shall fix a time within which necessary corrective measures are to be taken.

11 ~~(2)~~ If the prescribed measures are not so taken, the commission shall  
12 direct the department to administer an adequate ~~air pollution control~~  
13 program *for the control of air pollution* within the county, which shall be  
14 a charge on the county, and may supersede any existing ~~county air~~  
15 ~~pollution control program~~ *program for the control of air pollution*.

16 2. *On or before January 31 of each even-numbered year, the*  
17 *commission shall, for each program for the control of air pollution*  
18 *established in a county whose population is 400,000 or more:*

19 (a) *Determine whether the program is adequate;*

20 (b) *Prepare a report on the adequacy of the program pursuant to*  
21 *subsection 3; and*

22 (c) *Submit the report to the director of the legislative counsel bureau*  
23 *for transmittal to the legislature for its review.*

24 3. *A report prepared pursuant to subsection 2 must contain:*

25 (a) *The most recent audit for the program completed pursuant to*  
26 *section 6 of this act;*

27 (b) *The determination of the commission on the adequacy of the*  
28 *program; and*

29 (c) *If necessary, the corrective measures prescribed by the commission*  
30 *and the time within which the measures are to be taken.*

31 4. *The commission shall, by regulation, establish criteria for*  
32 *determining whether a program for the control of air pollution is*  
33 *adequate.*

34 **Sec. 10.** NRS 445B.810 is hereby amended to read as follows:

35 445B.810 1. In furtherance of the provisions of NRS 445B.700 to  
36 445B.845, inclusive, and the enforcement thereof, the state department of  
37 conservation and natural resources shall consult with the department of  
38 motor vehicles and public safety and furnish them with technical  
39 information, including testing techniques, procedures for quality assurance  
40 and standards adopted by the commission , and instruction for emission  
41 control features and equipment.

42 2. *In consultation with the department of motor vehicles and public*  
43 *safety and the agencies of local governments that are responsible for the*  
44 *control of air pollution, the state department of conservation and natural*  
45 *resources shall develop a program that provides incentives for the repair*  
46 *of motor vehicles which do not comply with standards for emissions.*



1     **Sec. 11.** Chapter 486A of NRS is hereby amended by adding thereto a  
2 new section to read as follows:

3     *The department, in consultation with the department of business and*  
4 *industry, shall establish, by regulation, a program that provides*  
5 *incentives for a person to use alternative fuels in a motor vehicle. The*  
6 *program must include, without limitation, a method for educating the*  
7 *public about the program and the benefits of using alternative fuels.*

