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FIRST REPRINT

EXEMPT

S.B. 534

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.

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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 state environmental commission 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 develop a program that provides incentives for the repair of motor vehicles which do not comply with the standards for emission; revising the provisions relating to the determination of the adequacy of certain programs for the control of air pollution; requiring the department to develop a program to provide incentives for the use of alternative fuels in motor vehicles; requiring the department to report to the legislature concerning such programs; 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. *Coordinate with local air pollution control boards to review the*  
8 *financial condition of each program for the control of air pollution and*  
9 *determine the present and future financial needs of the program;*

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



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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 in a county whose*  
8 *population is 400,000 or more shall submit the plan or revision to the*  
9 *department. The department shall review the plan or revision to*  
10 *determine whether the plan or revision complies with the requirements of*  
11 *the Federal Act, and the regulations adopted pursuant thereto, and with*  
12 *the measures for control of air pollution carried out by the state. If the*  
13 *department determines that an implementation plan or revision thereof*  
14 *does not comply with the requirements of the Federal Act and with the*  
15 *control measures implemented by the state, the department shall return*  
16 *the plan or revision to the local air pollution control board and assist the*  
17 *local pollution control board in revising the plan or revision to conform*  
18 *to the federal requirements and the measures for control of air pollution*  
19 *by the state.*

20     2. *The department shall:*

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

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

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

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

30     **Sec. 5.** 1. *The commission shall adopt regulations which establish*  
31 *measures for the control and reduction of regional haze to meet the*  
32 *standards established by federal law and the regulations relating thereto.*

33     2. *The department shall:*

34     (a) *Enforce the measures for control and reduction of regional haze*  
35 *adopted by the commission;*

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

38     (c) *Establish and submit to the Federal Government a plan for the*  
39 *control of regional haze for this state in accordance with the federal laws*  
40 *and regulations relating thereto; and*

41     (d) *Periodically review the progress and effectiveness of the measures*  
42 *for control and reduction of regional haze adopted by the commission.*

43     3. *A local air pollution control board shall:*

44     (a) *Consult with the department regarding the control of regional*  
45 *haze; and*

46     (b) *Establish measures to reduce and control regional haze consistent*  
47 *with the measures adopted by the commission.*

48     4. *As used in this section, "regional haze" has the meaning ascribed*  
49 *to it in 40 C.F.R. § 51.301.*



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

4     **2. The audit must include, without limitation, a detailed evaluation**  
5     **of the following areas of the program:**

- 6     **(a) Planning for the control and reduction of air pollution;**  
7     **(b) Monitoring of ambient air quality;**  
8     **(c) Issuance, renewal and revocation of permits for the control of air**  
9     **pollution; and**  
10    **(d) Enforcement of the program.**

11    **3. The audit must be:**

12    **(a) Performed by an independent contractor who must be hired by the**  
13    **local air pollution control board; and**

14    **(b) Submitted to the commission on or before November 30 of each**  
15    **even-numbered year.**

16    **4. The local air pollution control board, in consultation with the**  
17    **department and the United States Environmental Protection Agency,**  
18    **shall develop specific criteria for the independent contractor to consider**  
19    **when conducting the audit.**

20    **Sec. 7.** NRS 445B.105 is hereby amended to read as follows:

21    445B.105 As used in NRS 445B.100 to 445B.640, inclusive, **and**  
22    **sections 2 to 6, inclusive, of this act,** unless the context otherwise requires,  
23    the words and terms defined in NRS 445B.110 to 445B.155, inclusive, **and**  
24    **section 2 of this act** have the meanings ascribed to them in those sections.

25    **Sec. 8.** NRS 445B.503 is hereby amended to read as follows:

26    445B.503 1. In addition to the duties set forth in NRS 445B.500, the  
27    local air pollution control board in a county whose population is 400,000 or  
28    more shall cooperate with the regional planning coalition and the regional  
29    transportation commission in the county in which it is located to:

30    (a) Ensure that the plans, policies and programs adopted by each of  
31    them are consistent to the greatest extent practicable.

32    (b) Establish and carry out a program of integrated, long-range planning  
33    that conserves the economic, financial and natural resources of the region  
34    and supports a common vision of desired future conditions.

35    2. Before adopting or amending a plan, policy or program, a local air  
36    pollution control board shall:

37    (a) Consult with the regional planning coalition and the regional  
38    transportation commission; and

39    (b) Conduct hearings to solicit public comment on the consistency of  
40    the plan, policy or program with:

41    (1) The plans, policies and programs adopted or proposed to be  
42    adopted by the regional planning coalition and the regional transportation  
43    commission; and

44    (2) Plans for capital improvements that have been prepared pursuant  
45    to NRS 278.0226.

46    3. As used in this section:

47    (a) ~~["Local air pollution control board" means a board that establishes a~~  
48    ~~program for the control of air pollution pursuant to NRS 445B.500.~~



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1 ~~—(b)—~~ “Regional planning coalition” has the meaning ascribed to it in  
2 NRS 278.0172.

3 ~~[(e)]~~ (b) “Regional transportation commission” means a regional  
4 transportation commission created and organized in accordance with  
5 chapter 373 of NRS.

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

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

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

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

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

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

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

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

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

29 (b) *The determination of the commission on the adequacy of the*  
30 *program; and*

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

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

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

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

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



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

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

8     **Sec. 12.** 1. Notwithstanding the provisions of subsection 2 of section  
9 10 and section 11 of this act, the state department of conservation and  
10 natural resources shall:

11     (a) Complete plans for the development of the programs described in  
12 those provisions; and

13     (b) Not carry out the programs described in those provisions until the  
14 programs are approved and funded by the legislature.

15     2. The state department of conservation and natural resources shall  
16 present the plans completed pursuant to subsection 1 to the 72nd session of  
17 the Nevada legislature.

