

**NAC 486A.010 Definitions.** ([NRS 445B.210](#), [486A.150](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 486A.015](#) to [486A.125](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R022-10, 7-22-2010)

**NAC 486A.015 “Alternative fuel” defined.** ([NRS 445B.210](#), [486A.030](#), [486A.150](#))  
“Alternative fuel” means:

1. Any M-85 fuel methanol that meets the requirements of [NAC 590.052](#);
2. Any E-85 fuel ethanol that meets the requirements of [NAC 590.053](#);
3. Natural gas;
4. Liquefied petroleum gas;
5. Any hydrogen that meets the requirements of [NAC 590.054](#);
6. Electricity;
7. Any biodiesel fuel that:
  - (a) Contains diesel meeting the requirements of [NAC 590.050](#); and
  - (b) Includes at least 5 percent by volume of biodiesel fuel blend stock for distillate fuels;
8. Any blend of ethanol and diesel fuel:
  - (a) Which contains:
    - (1) Any amount of diesel fuel meeting the requirements of [NAC 590.050](#); and
    - (2) At least 5 percent by volume of ethanol; and
  - (b) Which may include a proprietary additive;
9. Any reformulated gasoline that meets the requirements for:
  - (a) Arizona Cleaner Burning Gasoline set forth in the provisions of 20 A.A.C. §§ R20-2-701 to R20-2-762, inclusive, of the Arizona Administrative Code and adopted by reference pursuant to [NAC 486A.145](#); or

(b) California Phase 3 reformulated gasoline set forth in the provisions of 13 C.C.R. §§ 2260 to 2276, inclusive, of the California Code of Regulations and adopted by reference pursuant to [NAC 486A.145](#); and

10. Any other fuel designated as an alternative fuel by the Administrator of the Division of Environmental Protection of the Department pursuant to [NAC 486A.140](#).

Ê The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.

(Added to NAC by Environmental Comm'n, eff. 10-29-97; A by R232-03, 4-13-2004; R022-10, 7-22-2010)

**NAC 486A.017 “Alternative fuel vehicle” defined.** ([NRS 445B.210](#), [486A.150](#))  
“Alternative fuel vehicle” means:

1. A bi-fueled motor vehicle, as defined in [NRS 486A.040](#);
2. A dedicated alternative fuel motor vehicle, as defined in [NRS 486A.060](#); or
3. A flexible fueled vehicle, as defined in [NRS 486A.090](#).

(Added to NAC by Environmental Comm'n, eff. 10-29-97)

**NAC 486A.045 “Clean vehicle” defined.** ([NRS 445B.210](#), [486A.035](#), [486A.150](#))  
“Clean vehicle” means any motor vehicle which, based upon the manufacturer, model, model year, engine, type of fuel and transmission of the motor vehicle, has received a SmartWay or SmartWay Elite designation by the United States Environmental Protection Agency for motor vehicles which are intended for sale in this State and are listed as federal All Altitude vehicles under the applicable Certification Sales Region set forth in the “Green Vehicle Guide” published annually by the United States Environmental Protection Agency.

(Added to NAC by Environmental Comm'n by R022-10, eff. 7-22-2010)

**NAC 486A.050 “Commission” defined.** ([NRS 445B.210](#), [486A.150](#)) “Commission” means the State Environmental Commission.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.055 “Contingency measure” defined.** ([NRS 445B.210](#), [486A.150](#))  
“Contingency measure” means a measure that:

1. Is included in the State Implementation Plan; and
2. Takes effect in the manner prescribed in 42 U.S.C. § 7502(c)(9).

(Added to NAC by Environmental Comm'n by R031-00, eff. 5-26-2000)

**NAC 486A.065 “Control measure” defined.** ([NRS 445B.210](#), [486A.150](#)) “Control measure” means a measure that is included in the State Implementation Plan to attain or maintain the national primary and secondary ambient air quality standards set forth in 40 C.F.R. Part 50.

(Added to NAC by Environmental Comm'n by R031-00, eff. 5-26-2000)

**NAC 486A.080 “Department” defined.** ([NRS 445B.210](#), [486A.150](#)) “Department” means the State Department of Conservation and Natural Resources.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.090 “Director” defined.** ([NRS 445B.210](#), [486A.150](#)) “Director” means the Director of the Department or the designee of the Director.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.100 “Fiscal year” defined.** ([NRS 445B.210](#), [486A.150](#)) “Fiscal year” means a period beginning July 1 and ending on the following June 30.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.102 “Fleet” defined.** ([NRS 445B.210](#), [486A.150](#)) “Fleet” has the meaning ascribed to it in [NRS 486A.080](#).

(Added to NAC by Environmental Comm'n, eff. 10-29-97)

**NAC 486A.110 “Heavy-duty truck” defined.** ([NRS 445B.210](#), [486A.150](#)) “Heavy-duty truck” means a truck that has a manufacturer’s gross vehicle weight rating of at least 8,500 pounds but less than 26,000 pounds.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.115 “Hybrid electric vehicle” defined.** ([NRS 445B.210](#), [486A.150](#)) “Hybrid electric vehicle” has the meaning ascribed to it in 40 C.F.R. § 86.1702-99.

(Added to NAC by Environmental Comm'n by R022-10, eff. 7-22-2010)

**NAC 486A.120 “Motor vehicle” defined.** ([NRS 445B.210](#), [486A.150](#)) “Motor vehicle” has the meaning ascribed to it in [NRS 486A.110](#).

(Added to NAC by Environmental Comm'n by R022-10, eff. 7-22-2010)

**NAC 486A.125 “State Implementation Plan” defined.** ([NRS 445B.210](#), [486A.150](#))  
“State Implementation Plan” means the plan adopted by the State of Nevada pursuant to 42 U.S.C. §§ 7410 and 7502.

(Added to NAC by Environmental Comm’n by R031-00, eff. 5-26-2000)

**NAC 486A.135 Applicability of chapter.** ([NRS 445B.210](#), [486A.150](#)) The provisions of this chapter do not apply to:

1. The operator of a fleet that operates only in a county whose population is less than 100,000.
2. Any governmental agency exempted by federal statute or regulation.
3. Any state agency or local governing body subject to the alternative fuel provisions of the Energy Policy Act of 1992, Public Law 102-486, and 10 C.F.R. Part 490.
4. The operator of a vehicle that is used for law enforcement, emergency response or fire protection and suppression.
5. The operator of a military vehicle that is used for national defense or in support of a domestic emergency.
6. Any person granted a variance by the Commission.

(Added to NAC by Environmental Comm’n, eff. 10-29-97; A by R022-10, 7-22-2010)

**NAC 486A.140 Designation of fuel as alternative fuel: Request for designation; requirements for designation; notice of intent to designate; maintenance of list.** ([NRS 445B.210](#), [486A.150](#))

1. Except as otherwise provided in subsection 4, the Administrator of the Division of Environmental Protection of the Department may designate a fuel as an alternative fuel. A person who wishes to have a fuel designated as an alternative fuel must submit to the Administrator a written request which includes evidence that the fuel complies with the requirements set forth in subsection 2.
2. A fuel designated as an alternative fuel by the Administrator must:
  - (a) If used to operate a motor vehicle:
    - (1) Reduce the emissions of one or more regulated pollutants to a level below the level of emissions generated if the fuel for which the designated fuel serves as an alternative is used to operate a motor vehicle;

(2) Generate emissions which are within the limits established pursuant to [NAC 445B.596](#) for all regulated pollutants; and

(3) Generate emissions which are measurable using testing procedures approved by the Division; and

(b) Be capable of being safely transported in bulk, handled during fueling and used to operate motor vehicles which are converted or manufactured to use the fuel.

3. Not less than 30 days before a fuel is designated as an alternative fuel pursuant to subsection 1, the Administrator shall provide a notice of intent to designate the fuel as an alternative fuel to each person who has requested that his or her name be placed on a mailing list maintained by the Division for the purpose of providing that notice. The Administrator shall cause the notice to be published at least once in newspapers of general circulation throughout this State.

4. The Administrator shall not designate a fuel as an alternative fuel if he or she determines that such a designation would have a significant adverse effect on a control measure or contingency measure.

5. The Administrator shall:

(a) Maintain a list of each fuel designated as an alternative fuel pursuant to subsection 1; and

(b) Make that list available for public inspection at the offices of the Division, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249.

(Added to NAC by Environmental Comm'n, eff. 11-9-95; A 10-29-97; R031-00, 5-26-2000; R022-10, 7-22-2010)

**NAC 486A.145 Adoption by reference of certain provisions of Arizona Administrative Code and California Code of Regulations governing reformulated gasoline. ([NRS 445B.210](#), [486A.150](#))**

1. The provisions of the Arizona Administrative Code and the California Code of Regulations specified in subsection 9 of [NAC 486A.015](#) are hereby adopted by reference as those provisions existed on July 22, 2010.

2. A copy of the provisions of:

(a) The Arizona Administrative Code specified in subsection 9 of [NAC 486A.015](#) may be obtained from the Secretary of State, Public Services Division, 1700 West Washington Street, Phoenix, Arizona 85007, for the price of \$84, or free of charge at the Internet address [www.azsos.gov](http://www.azsos.gov).

(b) The California Code of Regulations specified in subsection 9 of [NAC 486A.015](#) may be obtained by mail at the Thomson-West Group, Post Office Box 95767, Chicago, Illinois 60694, for the price of \$173, or free of charge at the Internet address <http://www.oal.ca.gov>.

(Added to NAC by Environmental Comm'n by R022-10, eff. 7-22-2010)

**NAC 486A.150 Alternative fuel retrofit system for motor vehicles: Requirements for use.** ([NRS 445B.210](#), [486A.150](#)) An alternative fuel retrofit system for motor vehicles is approved for use in this State if it has been certified by the United States Environmental Protection Agency or the California Air Resources Board, or both.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

**NAC 486A.160 Acquisition or replacement of vehicles to clean vehicles, hybrid electric vehicles or vehicles capable of using alternative fuel; waivers.** ([NRS 445B.210](#), [486A.150](#))

1. Except as otherwise provided in subsection 3, at least 90 percent of all motor vehicles acquired or replaced by the operator of a fleet during each fiscal year must consist of clean vehicles, hybrid electric vehicles or motor vehicles that are capable of using alternative fuel.

2. If the number of vehicles purchased, leased or otherwise acquired by the operator of a fleet in any 1 year when multiplied by the percentage specified in subsection 1 contains a fraction, the number of vehicles required to be alternative fuel vehicles must be rounded off to the nearest whole number.

3. The Director may, upon prior approval by him or her, waive the requirements of subsection 1 for motor vehicles that are transferred from one location to another location within the same state agency or local governing body.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000; R232-03, 4-13-2004; R022-10, 7-22-2010)

**NAC 486A.180 Use of alternative fuel; reporting requirements.** ([NRS 445B.210](#), [486A.150](#))

1. An alternative fuel vehicle acquired in compliance with [NAC 486A.160](#) must be operated solely on an alternative fuel except when operating in an area where the appropriate alternative fuel is unavailable. The provisions of this subsection do not apply to a clean vehicle or hybrid electric vehicle.

2. Not later than 60 days after the end of each fiscal year, the operator of a fleet shall file a written report with the Director, on a form provided by the Director, which specifies for the immediately preceding fiscal year:

(a) The total number of motor vehicles included in the fleet of the operator and the total number of alternative fuel vehicles, clean vehicles and hybrid electric vehicles in that fleet;

(b) The total number of motor vehicles in the fleet of the operator purchased, leased or otherwise acquired and the total number of clean vehicles, hybrid electric vehicles and motor vehicles that are intended to be operated using an alternative fuel;

(c) For each motor vehicle included in paragraph (b):

(1) The vehicle identification number;

(2) The make, model and year of manufacture;

(3) The type of fuel used by the vehicle, if the motor vehicle is intended to be operated using an alternative fuel; and

(4) A statement indicating whether the motor vehicle is a clean vehicle or hybrid electric vehicle and, if the motor vehicle is a clean vehicle, the SmartWay or SmartWay Elite designation for the clean vehicle; and

(d) By type of motor vehicle:

(1) The total number of motor vehicles in the fleet of the operator that operate using an alternative fuel specified in [NAC 486A.015](#) or a conventional fuel;

(2) The total amount by volume of each alternative fuel specified in [NAC 486A.015](#) and each conventional fuel used in the fleet of the operator; and

(3) The total annual mileage accumulated by all motor vehicles in the fleet of the operator that operate using an alternative fuel.

3. In addition to the provisions of subsection 2, the operator of a fleet shall provide to the Director:

(a) If the operator uses biodiesel fuel that is not blended in accordance with [NAC 590.051](#) for the fleet, a copy of a bill of lading or other statement from the supplier of the biodiesel fuel indicating that the biodiesel fuel used for the fleet meets the requirements for biodiesel fuel set forth in [NAC 486A.015](#); and

(b) On a form provided for that purpose by the Director, a statement setting forth the policies, procedures and internal controls established by the operator of the fleet to ensure compliance with the provisions of this subsection, including, without limitation, any policy, procedure or internal control which:

(1) Authorizes the use of fuel for the fleet solely from any storage tanks of the fleet which are supplied with alternative fuels;

(2) Prohibits the purchase of conventional fuels from a retailer;

(3) Sets forth the requirements for labeling motor vehicles for the use of alternative fuels or for training the operator in the use of alternative fuels;

(4) Sets forth the location of each dispenser for an alternative fuel that is available for use by the fleet; and

(5) Sets forth each geographic area in which an alternative fuel used by the fleet is not available.

4. For each report and any other information submitted pursuant to this section, the operator of the fleet or other appropriate person in the state agency or local governing body shall:

(a) Certify that, based upon all available information and a belief formed after a reasonable inquiry, the report or other information is true, accurate and complete;

(b) As soon as practicable after discovering any supplementary fact or corrected information required to comply with the provisions of this section, submit the fact or information to the Director; and

(c) Submit, in writing and within the period specified by the Director, any additional information required by the Director to carry out the provisions of this section.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000; R232-03, 4-13-2004; R022-10, 7-22-2010)

**NAC 486A.190 Authority of Director to require additional reports.** ([NRS 445B.210](#), [486A.150](#)) The Director may require the operator of a fleet to file with the Department any reports that the Director determines are necessary to implement or enforce the provisions of this chapter.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

**NAC 486A.200 Approval of variance from provisions.** ([NRS 445B.210](#), [486A.150](#))

1. Except as otherwise provided in subsection 3, the Commission may, for any reason specified in subsection 5 of [NRS 486A.150](#), approve a variance from the requirements of any provision of this chapter that is requested by the operator of a fleet.



2. A variance granted by the Commission pursuant to subsection 1 must be for an initial period of not more than 36 months and may be renewed for additional periods of not more than 36 months.

3. The Commission will not approve a variance from the requirements of any provision of this chapter if the Commission determines that the variance would have a significant adverse effect on a control measure or contingency measure.

4. If an operator of a fleet submits a request to the Commission for a variance pursuant to this section, the operator shall submit the following information, which the Commission may consider in reviewing the request:

(a) A statement setting forth the reason for the request; and

(b) Any supplemental information, data or documentation supporting the request.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R031-00, 5-26-2000; R232-03, 4-13-2004; R022-10, 7-22-2010)

**NAC 486A.210 Violations: Notice; order to take corrective action; initiation of proceedings before Commission. ([NRS 445B.210](#), [486A.150](#))**

1. If the Director believes that a person has failed to comply with the provisions of [chapter 486A](#) of NRS or this chapter, the Director shall cause written notice to be served upon the person responsible for the alleged violation.

2. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person.

3. The notice must specify:

(a) The statute or regulation alleged to be violated; and

(b) The facts alleged to constitute the violation.

4. The notice may include an order to take corrective action within a reasonable time, which must be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the Commission.

5. With or without the issuance of an order pursuant to subsection 4, or if corrective action is not taken within the time specified:

(a) The Director may require a person responsible for the alleged violation to appear before the Commission at a specified time and place; or

(b) The Commission may initiate proceedings for recovery of the appropriate penalty.

6. This section does not prevent the Commission or the Director from obtaining voluntary compliance by issuing a warning, holding a conference or by any other appropriate means.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97)

**NAC 486A.220 Violations: Severity; imposition and amount of fine.** ([NRS 445B.210](#), [486A.150](#), [486A.180](#))

1. Except as otherwise provided in subsection 3, any violation of the provisions of [chapter 486A](#) of NRS or this chapter is a major violation. The Commission may impose a fine of up to \$5,000 for each violation.

2. In determining the amount of a penalty to be imposed for a major violation, the Commission will consider:

- (a) The size of the fleet;
- (b) The economic impact of the penalty on the fleet;
- (c) The violator's good faith efforts to comply;
- (d) The duration of the violation as established by any credible evidence;
- (e) The prior record of violations by the operator of the fleet;
- (f) The economic benefits of noncompliance; and
- (g) The seriousness of the violation.

3. Except as otherwise provided in subsection 4, the following offenses are minor violations:

- (a) Failure to operate a vehicle, other than a clean vehicle or hybrid electric vehicle, on an alternative fuel without justification;
- (b) Failure to file a report in a timely manner as required by [NAC 486A.180](#); or
- (c) Failure to file a report required by the Director pursuant to [NAC 486A.190](#).

4. All minor violations become major violations upon the fourth occurrence of the same offense by the fleet within a period of 60 consecutive months.

5. The Department will assess fines for minor violations consistent with the following schedule:

	First Offense	Second Offense	Third Offense
Failure to operate a vehicle, other than a clean vehicle or hybrid electric vehicle, on an alternative fuel without justification.....	\$250	\$500	\$750
Failure to file a report in a timely manner as required by <a href="#">NAC 486A.180</a> .....	\$250	\$500	\$750
Failure to file a report required by the Director pursuant to <a href="#">NAC 486A.190</a> .....	\$250	\$500	\$750

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A 10-29-97; R022-10, 7-22-2010)

**NAC 486A.230 Violations: Payment of fine.** ([NRS 445B.210](#), [486A.150](#), [486A.180](#))

1. The amount of the fine imposed for any violation of the provisions of this chapter or [chapter 486A](#) of NRS must be submitted not later than 10 days after the notice required by [NAC 486A.210](#) is served upon the violator.

2. Payment of the fine imposed must be:

(a) Made by cashier's check, certified check, money order or personal check payable to the State of Nevada; and

(b) Submitted to the Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249.

(Added to NAC by Environmental Comm'n, eff. 11-23-92; A by R031-00, 5-26-2000; R022-10, 7-22-2010)

**NAC 486A.240 Appeal of decision of Director.** ([NRS 445B.210](#), [486A.150](#)) A party wishing to appeal a decision of the Director must file an application for an appeal

with the Executive Secretary of the Commission not later than 10 working days after the date the decision is issued. The application forms must be provided by the Director.

(Added to NAC by Environmental Comm'n, eff. 11-23-92)

**NAC 486A.250 Appeal of final decision of Department.** ([NRS 445B.210](#), [486A.150](#))

1. Any person who requests a hearing before the Commission concerning a final decision of the Department pursuant to [chapter 486A](#) of NRS may do so by filing a request, within 10 days after notice of the action of the Department, on Form 3 with the Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. A copy of the form may be obtained from the Commission or at the Internet address <http://www.sec.nv.gov>.

2. The provisions of [NAC 445B.875](#) to [445B.899](#), inclusive, apply to a hearing of the Commission requested pursuant to subsection 1.

(Added to NAC by Environmental Comm'n, eff. 10-29-93; A 10-29-97; R031-00, 5-26-2000; R022-10, 7-22-2010)