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Air Quality Program Seeks Repeal of Diesel Testing Requirement

Albuquerque, NM—On June 8, 2016, the Air Quality Program, part of the City of Albuquerque Environmental Health Department, presented a petition to the Albuquerque Bernalillo County Air Quality Control Board requesting the repeal of diesel vehicle emissions testing requirements. This would end the diesel testing program that has been in place since January 2013.

The Air Quality Control Board voted unanimously to grant a hearing to consider the repeal. The hearing will be scheduled later this year.

As a result of a comprehensive program legal review, Air Quality staff recently discovered that the implementation of the diesel emissions testing program was not authorized under the New Mexico Air Quality Control Act. This law authorizes testing of spark-ignited gasoline engines, but does not cover compression-ignited diesel engines.

“The differentiation made by State law between engine types was not taken into account when the regulation was considered,” said Danny Nevarez, Deputy Director for Environmental Health. “The Air Quality Program has recognized this misinterpretation, and we are working diligently to make things right.”

The Air Quality Program estimates that approximately 9,400 diesel vehicle tests have been conducted under the program. If the Air Quality Control Board repeals the diesel testing requirement as a result of the impending hearing, diesel owners would no longer be required to pass an emissions test. Diesel owners who paid for emissions testing would be eligible for a refund.

“Diesel testing was implemented with the best of intentions by program staff and the Board to protect our community’s air quality,” said Mary Lou Leonard, Director of the Environmental Health Department. “The conflict with State law was overlooked, and we regret the inconvenience this has caused diesel owners.”

Diesel testing was originally proposed to the Air Quality Control Board as a measure to reduce ozone in anticipation of the U.S. Environmental Protection Agency lowering the federal ozone standard. The new standard was finalized in October, 2015. The Albuquerque-Bernalillo County area is on track to remain in attainment with the more stringent standard.

Diesel owners who have questions about the proposed change can call (505) 764-1110 for more information.

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