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ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND MOTOR VEHICLE INSPECTION-DECENTRALIZED, 20.11.100 NMAC, AS AMENDED THROUGH 9/1/2004, AND INCORPORATE AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN (SIP) FOR AIR QUALITY.

AQCB Petition No. 2011-3

Vehicle Pollution Management Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to Amend 20.11.100 NMAC,
Motor Vehicle Inspection- Decentralized.

The Environmental Health Department of the City of Albuquerque, by and through the Vehicle Pollution Control Management Division (VPMD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) for a hearing at which the Air Board will hear the VPMD's request to amend 20.11.100 NMAC, *Motor Vehicle Inspection-Decentralized.* This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

1. VPMD operates a decentralized air emissions testing program authorized by the federal Clean Air Act (42 U.S.C. A.§§ 7401 to 7671q) and its regulations for motor vehicle emission programs enforced by the Environmental Protection Agency (EPA). (Code of Federal Regulations, Environmental Protection Agency, Subpart S,

Inspection/Maintenance Program Requirements. (I/M program), 40 CFR §§ 51.350 to 51.390).

2. The Inspection and Maintenance Program outlined in 20.11.100 NMAC is one of the key local control strategies under the Limited Maintenance Plan (LMP) for Carbon Monoxide (CO) adopted as a State Implementation Plan (SIP) revision designed and implemented to prevent a violation of the NAAQS for CO.

3. The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Air Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

4. 20.11.100 NMAC, *Motor Vehicle Inspection-Decentralized* was last amended in 2004. 20.11.100 NMAC, *Motor Vehicle Inspection-Decentralized* incorporates as law the *Albuquerque/Bernalillo County Vehicle Pollution Management Program Procedures Manual,* (Procedures Manual), which was last amended January 1995.

5. After reviewing these two documents, VPMD determined that the most efficient approach to achieving a functional and logical 20.11.100 NMAC was to significantly amend the existing regulation. In particular, the amendment does the following:

a. Maintains large amounts of original language but revises the regulation's structure to make it easier to read and understand and removes several redundant sections;

b. Amends the regulation to better define the new motor vehicle exemption period, exempt vehicles thirty-five years or older consistent with the state

collector car provisions, allow limited mobile testing, return 1975-1985 vehicles to biennial testing, require testing of hybrid vehicles if purchased after the effective date of the regulation or upon change of ownership, provide for the testing of diesel vehicles in the year following EPA's revision of ozone standards, and remove the $300 repair cost threshold for time extensions for individuals on public assistance;

c. Moves the enforcement and appeal sections from the Procedures Manual to 20.11.100 NMAC, and changes the Procedures Manual from a regulatory document to a technical guidance document.

6. It is anticipated that the hearing will take approximately 1 hour or less.

7. The proposed Public Review Draft of 20.11.100 NMAC, *Motor Vehicle Inspection – Decentralized* is attached as Exhibit #1a.

Respectfully submitted,

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CERTIFICATION

I hereby certify that a copy of this Petition to Amend 20.11.100 NMAC, *Motor Vehicle Inspection – Decentralized* was delivered to the following person on February 22, 2011.

Margaret Nieto, Control Strategies Supervisor, for
Janice Wright
Air Quality Control Board Liaison
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

Mary Lou Leonard
Director, Environmental Health Department