Hearing Clerk
EXHIBIT
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Butt, Neal T.

From: City of Albuquerque-Vehicle Pollution Management Division [nbutt@cabq.gov]
Sent: Friday, March 11, 2011 11:50 AM
To: Butt, Neal T.
Subject: 20.11.100 NMAC, Motor Vehicle Inspection - Decentralized
Follow Up Flag: Follow up
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20.11.100 NMAC, *Motor Vehicle Inspection - Decentralized*,Legal Notice for Hearing

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING

On May 11, 2011, at 5:30 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM. The hearing will address:

Proposal to adopt amendments to 20.11.100 NMAC, *Motor Vehicle Inspection - Decentralized*, and to incorporate an amended 20.11.100 NMAC into the New Mexico State Implementation Plan (SIP) for air quality.

The Environmental Health Department of the City of Albuquerque, by and through the Vehicle Pollution Management Division (VPMD) operates a decentralized vehicle emissions testing program as required by the federal Clean Air Act and 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). The Inspection and Maintenance Program outlined in 20.11.100 NMAC is one of the key local control strategies designed and implemented to prevent a violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide, ground level ozone and inhalable particulates. 20.11.100 NMAC was last amended in 2004 and incorporates as law the *Albuquerque/ BernalilloCounty Vehicle Pollution Management Program Procedures Manual* which contains numerous references to obsolete equipment and procedures. After reviewing these two documents, VPMD determined that the most efficient approach to achieving a more functional and logical 20.11.100 was to restructure and amend the existing regulation. In particular, the proposed amendments do the following:

1. 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;

2. Amends the regulation to better define the new motor vehicle exemption period as 4 years rather than 2 registration cycles, exempts vehicles thirty-five years or older consistent with the state collector car provisions, allows

for the limited use of mobile test units for the on-site testing of 1996 and newer fleet and dealer lot vehicles, returns 1975 - 1985 model year vehicles from annual to biennial testing, requires testing of hybrid vehicles if purchased after the effective date of the amended regulation or upon change of ownership, provides for the testing of diesel vehicles beginning January 1st of the year following the adoption of a more stringent ozone standard by EPA, and removes the $300 repair cost threshold for time extensions for individuals on public assistance;

3. 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.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed amendments and incorporating the amended regulation into the SIP. Meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, *Rulemaking Procedures -- Air Quality Control Board*.

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC to submit a written Notice Of Intent to testify (NOI) before 5:00pm on April 26, 2011, to: "Attn: Neal Butt, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103", or to deliver the NOI to the Environmental Health Department, Suite 3023, 3rd Floor, One Civic Plaza (400 Marquette Avenue NW), Albuquerque, NM 87102. The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on May 4, 2011. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department office, or by contacting Neal Butt electronically at nbutt@cabq.gov or by phone (505) 768-2660, or by downloading a copy from the City of Albuquerque Air Quality Division website.

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