

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER REPEALING EXISTING RULE 20.11.104 NMAC, EMISSION STANDARDS FOR NEW MOTOR VEHICLES, AND ADOPTING PROPOSED REPLACEMENT RULE 20.11.104 NMAC, NEW MOTOR VEHICLE EMISSION STANDARDS

The Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) will hold a joint public hearing with the New Mexico Environmental Improvement Board (“EIB”) beginning on May 4, 2022 at 9:00 a.m. via the web application WebEx and possibly in person at the Albuquerque Convention Center, 401 2nd Street NW, Albuquerque, NM 87102. The hearing will last as long as required to hear all testimony, evidence and public comment but is expected to last approximately two days, with a third day being reserved for deliberations.

The hearing is being held via WebEx due to public health restrictions in place to protect the public and prevent the spread of COVID-19. The AQCB may hold the hearing in person if circumstances allow and may change the in-person hearing location before the hearing date. If the AQCB holds the hearing in person, the AQCB Liaison will still provide access via WebEx for those wishing to participate virtually.

The subject of the hearing is AQCB Petition No. 2022-1, filed by the City of Albuquerque Environmental Health Department (“EHD”). The proposed regulatory change would repeal existing rule 20.11.104 NMAC, Emission Standards for New Motor Vehicles, which contains obsolete California motor vehicle emission standards and is legally invalid and unenforceable, and replace it with a new rule 20.11.104 NMAC, New Motor Vehicle Emission Standards, which adopts California’s current low- and zero-emission vehicle standards for new 2026 and subsequent model year light- and medium-duty vehicles delivered for sale, offered for sale, sold, imported, delivered, purchased, rented, leased, acquired, received, or registered in New Mexico. To assure that the standards apply to the jurisdictions of both the AQCB and the EIB, and meet the identity requirements of Section 177 of the Clean Air Act, the AQCB and the EIB will hold a joint hearing and deliberation to consider both 20.11.104 NMAC and the New Mexico Environment Department’s proposed 20.2.91 NMAC. See EIB 21-66 (R) – In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emission Standards, available at www.env.nm.gov/opf/docketed-matters.

Copies of the proposed regulatory change are available in the rulemaking record for AQCB Petition No. 2022-1, which is accessible on the web at www.bit.ly/aqcb2022-1. A link to the rulemaking record can also be found under “Rulemaking Procedures” on the AQCB’s website, www.cabq.gov/airquality/air-quality-control-board. The regulatory text EHD is proposing to repeal and the text of the proposed replacement rule are identified in the record as Exhibits B and C, respectively, to EHD’s petition. Copies of the proposed regulatory change may also be obtained by contacting Stephanie Apodaca, AQCB Liaison, at 505-768-1915 or seapodaca@cabq.gov, or by visiting the Environmental Health Department, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours. In accordance with 20.11.2.22(A) NMAC, the Department charges a fee of 50 cents per page for providing paper copies.

The hearing on the proposed regulatory change will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures—Air Quality Control Board; and other applicable procedures, including any pre-hearing orders. The AQCB may decide on the proposed regulatory change at the conclusion of the hearing or at a separate board meeting, as determined in coordination with the EIB.

Hearings and meetings of the AQCB are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and to examine witnesses by filing a notice of intent (“NOI”) to present technical testimony, filing an entry of appearance, or participating as a member of the general public. Persons intending to participate in the hearing should consult the AQCB Petition No. 2022-1 rulemaking record, which is accessible as described above, for any pre-hearing orders.

Technical Testimony. Persons intending to present technical testimony at the hearing must file a written notice of intent at least 20 days before the hearing. In addition to any requirements a pre-hearing order may have, as required by 20.11.82.20 NMAC, an NOI to present technical testimony shall (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; (3) 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; (5) list and attach an original and 20 copies of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC, including served on the petitioner if the document is an NOI filed by any person other than the petitioner. Unless otherwise provided for in a pre-hearing order, the filing of an NOI shall be accomplished by delivering the document to the Hearing Clerk, Stephanie Apodaca, AQCB Liaison, via postal mail at Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person at the Environmental Health Department, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours.

Entry of Appearance. In accordance with 20.11.82.21 NMAC, any person who is or may be affected by the proposed regulatory change may file and serve upon all parties an entry of appearance at least 15 days prior to the hearing date and shall be a party. In the event of multiple entries of appearance by those affiliated with one interest group, the hearing officer may consolidate the entries or divide the service list to avoid a waste of public resources. A timely NOI shall be considered an entry of appearance. See 20.11.82.7(Q)(2) NMAC.

Non-Technical Testimony. As provided by 20.11.82.22 NMAC, any member of the general public may present non-technical testimony at the hearing. No prior notification is required to present non-technical testimony. Any member of the public may also offer non-technical exhibits in connection with non-technical testimony, as long as the non-technical exhibit is not unduly repetitious of previous testimony. A member of the general public who wishes to submit a non-technical written statement for the record instead of oral testimony shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the Hearing Clerk in the same manner as described above for filing a NOI.

More Information. Contact the AQCB Liaison at 505-768-1915 or seapodaca@cabq.gov, or visit the AQCB's events calendar at www.cabq.gov/airquality/air-quality-control-board/events prior to the hearing start date for the latest information. Final hearing details will be posted on the events calendar no later than April 22, 2022.

NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS: If you have a disability or require special assistance to participate in this hearing, including interpretation or an auxiliary aid, please contact the AQCB Liaison as soon as possible but no later than 72 hours before the hearing at 505-768-1915 or seapodaca@cabq.gov. Those in need of hearing assistance may call 711.

The City of Albuquerque does not discriminate on the bases of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/civilrights/filing-a-complaint. You may also contact Torri Jacobus at 505-768-4595 or civilrights@cabq.gov.

Nếu bạn muốn thông báo này được dịch sang tiếng Việt, vui lòng truy cập www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities và sử dụng tính năng Dịch ở đầu trang.