

Butt, Neal, NMENV

From: Butt, Neal, NMENV
Sent: Wednesday, February 16, 2022 9:09 AM
To: nmlandgrantcouncil@unm.edu
Cc: Borchert, Claudia, NMENV; Knight, Andrew, NMENV; Baca, Michael, NMENV
Subject: FW: NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.91 NMAC EIB 21-66 (R)
Attachments: 2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf
Categories: Rules

Dear Sir or Madam,

This notice is being provided to you to pass along to the respective representatives of the Land Grants located in New Mexico.

If you have questions regarding this notice, please contact me at:

Neal T. Butt
Environmental Analyst
NMED - Air Quality Bureau

525 Camino de los Marquez, Suite 1B
Santa Fe, NM 87505-1816
(505) 629-2972
(505) 476-4375 (FAX)

Neal.Butt@state.nm.us

www.env.nm.gov

Twitter @NMEnvDep | #iamNMED

From: New Mexico Environment Department <nmed@public.govdelivery.com>
Sent: Tuesday, February 15, 2022 3:28 PM
To: Butt, Neal, NMENV <Neal.Butt@state.nm.us>
Subject: NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.91 NMAC EIB 21-66 (R)



**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO
CONSIDER ADOPTION OF PROPOSED 20.2.91 NMAC EIB
21-66 (R)**

The New Mexico Environmental Improvement Board (“EIB”) will hold a joint public hearing with the Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) on May 4, 2022, beginning at 9:00 am and continuing through May 6, 2022, to consider EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards (“20.2.91 NMAC”) via the web application WebEx. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days with the third day to be reserved for deliberations.

The hearing is being held via WebEx due to restrictions currently in place by Governor Lujan Grisham’s Executive Orders and various emergency public health orders designed to protect the public and prevent the spread of COVID-19. The hearing location may change before the hearing date, and the Board may hold the hearing in person if circumstances allow. Even if the Board holds the hearing in person, the Board Administrator will provide teleconference or virtual access to those wishing to participate without being at the hearing in person. Those interested in attending should contact the Board Administrator at (505) 660-4305 or visit the New Mexico Environment Department (“NMED”) calendar at <https://www.env.nm.gov/events-calendar/>. Meeting and access details will be available on the calendar entry corresponding to the hearing start date no later than April 22, 2022. The calendar entry will also inform the public if the hearing will also be held in person. All interested persons may submit comments to Board Administrator through the conclusion of the hearing.

The purpose of the public hearing is for the EIB to consider and take possible action on a petition by NMED requesting the EIB to adopt a new regulation, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf>), which will set standards for low-emission and zero-

emission light- and medium-duty vehicles delivered for sale in New Mexico. This regulation is part of a broader state effort to address greenhouse gas emissions and is being proposed in accordance with Governor Lujan Grisham's Executive Order on Addressing Climate Change and Energy Waste Prevention (EO 2019-003).

The proposed regulation is similar to 20.2.88 NMAC Emissions Standards for New Motor Vehicles that the EIB adopted during a joint hearing with the AQCB in 2007 and which was later repealed by the EIB. These proposed standards also relate to a rulemaking petition filed with the EIB by Climate Advocates in June 2021. To assure that the rule applies to the jurisdictions of both the EIB and of the AQCB and meets the identity requirements of Section 177 of the Clean Air Act, the EIB and the AQCB will hold a joint hearing and deliberation to consider 20.2.91 NMAC and 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectively. The EIB and the AQCB may independently decide on the proposed rule for their jurisdiction at the conclusion of the hearing or may convene later meetings for that purpose.

The Petition and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown, in the section for EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>.

Additional information is available on the Clean Cars webpage at <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Interested persons may contact Claudia Borchert at (505) 699-8489 or cleancarsnm@state.nm.us with questions and comments concerning the proposed rule. The deadline for stakeholders and the public to submit written comments to NMED is 5 p.m., March 25, 2022.

The hearing will be conducted in accordance with: 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; the *Environmental Improvement Act*, Section 74-1-9 NMSA 1978; the *Air Quality Control Act*, Section 74-2-6 NMSA 1978; and other applicable procedures.

Hearings and meetings of the Boards are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such a statement prior to the close of the hearing.

TECHNICAL TESTIMONY

Any person who wishes to present technical evidence at the hearing shall file a notice of intent at least 20 days prior to the hearing date to the Board Administrator including the docket number and the name of the regulation, EIB 21-66 (R)- In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. The notice of intent 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 educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

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If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the Board Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@state.nm.us (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice of Nondiscrimination

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website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

###

JUNTA DE MEJORA AMBIENTAL DE NUEVO MEXICO AVISO DE AUDIENCIA DE ELABORACION DE NORMAS PARA CONSIDERAR LA ADOPCION DE LA PROPUESTA 20.2.91 NMAC EIB 21-66 (R)

La Junta de Mejora Ambiental de Nuevo México (“EIB” por sus siglas en inglés) celebrará una audiencia pública conjunta con la Junta de Control de la Calidad del Aire del Condado de Bernalillo-Albuquerque (“AQCB” por sus siglas en inglés) el 4 de mayo de 2022, a partir de las 9:00 a.m. y hasta el 6 de mayo de 2022, para considerar la EIB 21-66 (R) - En el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados (“20.2.91 NMAC”) a través de la aplicación WebEx. La audiencia durará el tiempo necesario para escuchar todos los testimonios, las pruebas y los comentarios del público, y se espera que dure aproximadamente dos días y que el tercer día se reserve para las deliberaciones.

La audiencia se celebra a través de WebEx debido a las restricciones en vigor por las Órdenes Ejecutivas de la Gobernadora Lujan Grisham y varias órdenes de salud pública de emergencia diseñadas para proteger al público y prevenir la propagación del COVID-19. La ubicación de la audiencia puede cambiar antes de la fecha de la audiencia y la Junta puede celebrar la audiencia en persona si las circunstancias lo permiten. Incluso si la Junta celebra la audiencia en persona, la administradora de la Junta proporcionará acceso por teleconferencia o acceso virtual a quienes deseen participar sin tener que acudir a la audiencia en persona. Los interesados en asistir deben comunicarse con la administradora de la Junta llamando al (505) 660-4305 o visitar el calendario del Departamento de Medio Ambiente de Nuevo México (“NMED” por sus siglas en inglés) por <https://www.env.nm.gov/events-calendar/>. Los detalles de la reunión y de acceso estarán disponibles en la entrada del calendario correspondiente a la fecha de inicio de la audiencia a más tardar el 22 de abril de 2022. La entrada del calendario también informará al público si la audiencia se celebrará en persona. Todas las personas interesadas podrán presentar sus comentarios a la administradora de la Junta hasta la conclusión de la audiencia.

El propósito de la audiencia pública es que la EIB considere y tome una posible acción sobre una petición de NMED que solicita a la EIB que adopte una nueva regulación, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf>), que establecerá normas para los estándares de bajas emisiones y cero emisiones para los vehículos ligeros y medianos entregados para la venta en Nuevo México. Esta regulación es parte de un esfuerzo estatal más amplio para abordar las emisiones de gases de efecto invernadero y se propone de acuerdo con la Orden Ejecutiva de la Gobernadora Lujan Grisham para abordar el cambio climático y la prevención de desperdicio energético (EO 2019-003).

La regulación propuesta es similar a los estándares de emisiones 20.2.88 NMAC para Vehículos Motorizados Nuevos que la EIB adoptó durante una audiencia conjunta con la AQCB en 2007 y que posteriormente fue derogada por la EIB. Estas normas propuestas también están relacionadas con una petición de elaboración de normas presentada a la EIB por Climate Advocates en junio de 2021. Para garantizar que la norma se aplique a las jurisdicciones tanto de la EIB como de la AQCB y se cumpla igualmente los requisitos de la Sección 177 de la Ley del Aire Limpio, la EIB y la AQCB celebrarán una audiencia y deliberación conjuntas para considerar 20.2.91 NMAC y 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>),

respectivamente. La EIB y la AQCB podrán decidir de forma independiente sobre la norma propuesta para su jurisdicción al término de la audiencia o podrán convocar reuniones después a tal efecto.

La Petición y los documentos relacionados pueden verse en el sitio web de *docketed matters* de NMED, en el menú desplegable de la Junta de Mejora Ambiental, en la sección de EIB 21-66 (R) - En el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El sitio web de *docketed matters* de NMED se encuentra en <https://www.env.nm.gov/opf/docketed-matters/>. Hay disponible información adicional en la página web de Clean Cars en <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Las personas interesadas pueden comunicarse con Claudia Borchert llamando al (505) 699-8489 o cleancarsnm@state.nm.us con preguntas y comentarios sobre la norma propuesta. La fecha límite para presentar comentarios por escrito de personas interesado a NMED es el 25 de marzo de 2022 hasta las 5:00 p.m.

La audiencia se llevará a cabo de acuerdo con: 20.1.1 NMAC, *Procedimientos de Elaboración de Normas – Junta de Mejora Ambiental*; la *Ley de Mejora Ambiental*, Sección 74-1-9 NMSA 1978; la *Ley de Control de la Calidad del Aire*, Sección 74-2-6 NMSA 1978; y otros procedimientos aplicables.

Las audiencias y reuniones de las Juntas están abiertas al público y se anima a todas las personas interesadas a que participen. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, oralmente y por escrito; presentar pruebas instrumentales y para interrogar a los testigos. Toda persona que desee presentar por escrito una declaración no técnica para que conste en acta en lugar de un testimonio oral deberá presentar dicha declaración antes del cierre de la audiencia.

TESTIMONIO TÉCNICO

Toda persona que desee presentar pruebas técnicas en la audiencia deberá presentar un aviso de intención al menos 20 días antes de la fecha de la audiencia a la administradora de la Junta, incluyendo el número de expediente y el nombre de la regulación, EIB 21-66 (R)- en el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El aviso de la intención de presentar testimonio técnicas deberá incluir: (1) identificar a la persona para la que testificará el testigo o testigos; (2) identificar a cada testigo técnico que la persona pretenda presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral; (3) si la audiencia se lleva a cabo en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada del cambio regulatorio propuesto; y (6) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas.

REGISTRO DE COMPARECENCIA

Toda persona que desee ser tratada como parte interesada y desea interrogar a los testigos en la audiencia deberá presentar y entregar a todas las partes un registro de comparecencia al menos 20 días antes de la fecha de la audiencia. Un aviso de intención presentado a tiempo se considerará un registro de comparecencia. El registro de comparecencia deberá identificar a la persona que desea ser tratada como parte interesada y a cualquier persona que pueda comparecer en nombre de dicha persona.

Las personas que deseen enviar un testimonio no técnico antes de la audiencia pueden enviar las pruebas, datos, opiniones y argumentos pertinentes a la administradora de la Junta: pamela.jones@state.nm.us, teléfono (505) 660-4305, o a la dirección postal Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Las personas que presenten comentarios públicos no técnicos en la audiencia o una declaración no técnica por escrito en lugar de un testimonio oral en la audiencia o antes de ella deben hacer referencia al número de expediente EIB 21-66 (R).

Si alguna persona necesita asistencia, un intérprete o un dispositivo auxiliar para participar en este proceso, comuníquese con la administradora de la Junta al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@state.nm.us (los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

Aviso de no discriminación

NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Kathryn Becker, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar el sitio web de NMED en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

- [2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf](#)

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From: [Butt, Neal, NMENV](#)
To: [Chavez, William, NMENV](#)
Cc: [Borchert, Claudia, NMENV](#); [Knight, Andrew, NMENV](#); [Baca, Michael, NMENV](#)
Subject: FW: NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.91 NMAC EIB 21-66 (R)
Date: Wednesday, February 16, 2022 8:59:17 AM
Attachments: [2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf](#)

Good morning, Bill,

Could you please make this notice available in each of your field offices?

Please let me know if you have any questions regarding this matter.

Thank you,

Neal

Neal T. Butt
Environmental Analyst
NMED - Air Quality Bureau

525 Camino de los Marquez, Suite 1B
Santa Fe, NM 87505-1816
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NMED CABQ



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against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above. You may also visit NMED's website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

###

JUNTA DE MEJORA AMBIENTAL DE NUEVO MEXICO AVISO DE AUDIENCIA DE ELABORACION DE NORMAS PARA CONSIDERAR LA ADOPCION DE LA PROPUESTA 20.2.91 NMAC EIB 21-66 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) celebrará una audiencia pública conjunta con la Junta de Control de la Calidad del Aire del Condado de Bernalillo-Albuquerque ("AQCB" por sus siglas en inglés) el 4 de mayo de 2022, a partir de las 9:00 a.m. y hasta el 6 de mayo de 2022, para considerar la EIB 21-66 (R) - En el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados ("20.2.91 NMAC") a través de la aplicación WebEx. La audiencia durará el tiempo necesario para escuchar todos los testimonios, las pruebas y los comentarios del público, y se espera que dure aproximadamente dos días y que el tercer día se reserve para las deliberaciones.

La audiencia se celebra a través de WebEx debido a las restricciones en vigor por las Órdenes Ejecutivas de la Gobernadora Lujan Grisham y varias órdenes de salud pública de emergencia diseñadas para proteger al público y prevenir la propagación del COVID-19. La ubicación de la audiencia puede cambiar antes de la fecha de la audiencia y la Junta puede celebrar la audiencia en persona si las circunstancias lo permiten. Incluso si la Junta celebra la audiencia en persona, la administradora de la Junta proporcionará acceso por teleconferencia o acceso virtual a quienes deseen participar sin tener que acudir a la audiencia en persona. Los interesados en asistir deben comunicarse con la administradora de la Junta llamando al (505) 660-4305 o visitar el calendario del Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) por <https://www.env.nm.gov/events-calendar/>. Los detalles de la reunión y de acceso estarán disponibles en la entrada del calendario correspondiente a la fecha de inicio de la audiencia a más tardar el 22 de abril de 2022. La entrada del calendario también informará al público si la audiencia se celebrará en persona. Todas las personas interesadas podrán presentar sus comentarios a la administradora de la Junta hasta la conclusión de la audiencia.

El propósito de la audiencia pública es que la EIB considere y tome una posible acción sobre una petición de NMED que solicita a la EIB que adopte una nueva regulación, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf>), que establecerá normas para los estándares de bajas emisiones y cero emisiones para los vehículos ligeros y medianos entregados para la venta en Nuevo México. Esta regulación es parte de un esfuerzo estatal más amplio para abordar las emisiones de gases de efecto invernadero y se propone de acuerdo con la Orden Ejecutiva de la Gobernadora Lujan Grisham para abordar el cambio climático y la prevención de desperdicio energético (EO 2019-003).

La regulación propuesta es similar a los estándares de emisiones 20.2.88 NMAC para Vehículos Motorizados Nuevos que la EIB adoptó durante una audiencia conjunta con la AQCB en 2007 y que posteriormente fue derogada por la EIB. Estas normas propuestas también están relacionadas con una petición de elaboración de normas presentada a la EIB por Climate Advocates en junio de 2021. Para garantizar que la norma se aplique a las jurisdicciones tanto de la EIB como de la AQCB y se cumpla igualmente los requisitos de la Sección 177 de la Ley del Aire Limpio, la EIB y la AQCB celebrarán una audiencia y deliberación conjuntas para considerar 20.2.91 NMAC y 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectivamente. La EIB y la AQCB podrán decidir de forma independiente sobre la norma propuesta para su jurisdicción al término de la audiencia o podrán convocar reuniones después a tal efecto.

La Petición y los documentos relacionados pueden verse en el sitio web de *docketed matters* de NMED, en el menú desplegable de la Junta de Mejora Ambiental, en la sección de EIB 21-66 (R) - En el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El sitio web de *docketed matters* de NMED se encuentra en <https://www.env.nm.gov/opf/docketed-matters/>. Hay disponible

información adicional en la página web de Clean Cars en <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Las personas interesadas pueden comunicarse con Claudia Borchert llamando al (505) 699-8489 o cleancarsnm@state.nm.us con preguntas y comentarios sobre la norma propuesta. La fecha límite para presentar comentarios por escrito de personas interesado a NMED es el 25 de marzo de 2022 hasta las 5:00 p.m.

La audiencia se llevará a cabo de acuerdo con: 20.1.1 NMAC, *Procedimientos de Elaboración de Normas – Junta de Mejora Ambiental*; la *Ley de Mejora Ambiental*, Sección 74-1-9 NMSA 1978; la *Ley de Control de la Calidad del Aire*, Sección 74-2-6 NMSA 1978; y otros procedimientos aplicables.

Las audiencias y reuniones de las Juntas están abiertas al público y se anima a todas las personas interesadas a que participen. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, oralmente y por escrito; presentar pruebas instrumentales y para interrogar a los testigos. Toda persona que desee presentar por escrito una declaración no técnica para que conste en acta en lugar de un testimonio oral deberá presentar dicha declaración antes del cierre de la audiencia.

TESTIMONIO TÉCNICO

Toda persona que desee presentar pruebas técnicas en la audiencia deberá presentar un aviso de intención al menos 20 días antes de la fecha de la audiencia a la administradora de la Junta, incluyendo el número de expediente y el nombre de la regulación, EIB 21-66 (R)- en el Asunto de la Propuesta 20.2.91 NMAC – Nuevos Estándares de Emisiones de Vehículos Motorizados. El aviso de la intención de presentar testimonio técnicas deberá incluir: (1) identificar a la persona para la que testificará el testigo o testigos; (2) identificar a cada testigo técnico que la persona pretenda presentar e indicar las cualificaciones de dicho testigo, incluida una descripción de su historial académico y laboral; (3) si la audiencia se lleva a cabo en varios lugares, indicar el lugar o lugares en los que estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada del cambio regulatorio propuesto; y (6) enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración propuesta de los motivos para la adopción de las normas.

REGISTRO DE COMPARECENCIA

Toda persona que desee ser tratada como parte interesada y desea interrogar a los testigos en la audiencia deberá presentar y entregar a todas las partes un registro de comparecencia al menos 20 días antes de la fecha de la audiencia. Un aviso de intención presentado a tiempo se considerará un registro de comparecencia. El registro de comparecencia deberá identificar a la persona que desea ser tratada como parte interesada y a cualquier persona que pueda comparecer en nombre de dicha persona.

Las personas que deseen enviar un testimonio no técnico antes de la audiencia pueden enviar las pruebas, datos, opiniones y argumentos pertinentes a la administradora de la Junta: pamela.jones@state.nm.us, teléfono (505) 660-4305, o a la dirección postal Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Las personas que presenten comentarios públicos no técnicos en la audiencia o una declaración no técnica por escrito en lugar de un testimonio oral en la audiencia o antes de ella deben hacer referencia al número de expediente EIB 21-66 (R).

Si alguna persona necesita asistencia, un intérprete o un dispositivo auxiliar para participar en este proceso, comuníquese con la administradora de la Junta al menos 14 días antes de la fecha de la audiencia en 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 660-4305, o correo electrónico pamela.jones@state.nm.us (los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

Aviso de no discriminación

NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la

administración de sus programas o actividades, como lo exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de las consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, con sus enmiendas; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, o si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede ponerse en contacto con: Kathryn Becker, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. También puede visitar el sitio web de NMED en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

- [2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf](#)

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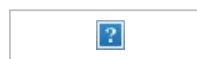


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The Road to Clean Cars New Mexico

MENU

On June 24, 2021, the New Mexico Environment Department and the City of Albuquerque Environmental Health Department announced the start of a Clean Cars rulemaking process. Adopting low-emission and zero-emission standards for new cars and trucks offered for sale in New Mexico improves the air we breathe, gives consumers more choices, saves New Mexicans money, and is good for our planet. This page provides updated information on this process and how interested members of the public can stay informed and participate.

Pollution from transportation accounts for a large portion of New Mexico's greenhouse gas emissions and contributes to the state's growing ozone problem. Seven New Mexico counties are nearing problematic ground-level ozone levels, which cause respiratory illnesses and heart attacks, and disproportionately affect the state's most vulnerable populations. New vehicle standards can significantly improve air quality, including ground-level ozone levels, especially along heavily traveled urban corridors where traditionally disadvantaged populations disproportionately live and work.

In addition to the information below, the New Mexico Environment Department and the City of Albuquerque Environmental Health Department have prepared answers to [Frequently Asked Questions \(FAQs\)](#) on the proposed Clean Car Rule.

Opportunities for public and stakeholder participation before and during the hearing on the proposed Clean Car Rule

The interested public and stakeholders have multiple opportunities to participate in the rulemaking process for the proposed, statewide Clean Car Rule, EIB 21-66 (R)- *In the Matter of Proposed 20.2.91 NMAC - New Motor Vehicle Emissions Standards and AQCB Petition No. 2022-1: Petition to Repeal Existing Rule 20.11.104 NMAC, Emission Standards for New Motor Vehicles, and Adopt Proposed Replacement Rule 20.11.104 NMAC, New Motor Vehicle Emission Standards.*

- Persons can submit comments on the proposed Clean Car Rule to the Environment Department at cleancars@state.nm.us by March 25, 2022.
- Any person who wishes to present technical evidence at the hearing shall file a Notice of Intent to present technical testimony by April 14, 2022, with the Board Administrator (pamela.jones@state.nm.us), including the docket number and the name of the regulation.
- The public can contribute comments verbally virtually or in-person during the public comment period scheduled for 1 p.m. and 7 p.m. on May 4, and 9 a.m. and 1 p.m. on May 5, 2022. Virtual participants can find meeting access information on the Environment Department's event calendar for **Wednesday May 4** and **Thursday May 5**. The in-person meeting will be held in San Miguel and Mesilla Rooms 215 and 235 on the eastern upper level of the City of Albuquerque Convention Center, 401 2nd Street NW.
- Any person wishing to submit non-technical testimony before the hearing may submit relevant evidence, data, views, and arguments to the Board Administrator: pamela.jones@state.nm.us, telephone (505) 660-4305, or Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. The Board Administrator will accept written comments until the close of the hearing.

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the Board Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or

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Contact Us

Main Ph: [505-827-2855](tel:505-827-2855)
[800-219-6157](tel:800-219-6157)

Headquarters Location
Harold Runnels Building
1190 St. Francis Dr.
Suite N4050
Santa Fe, NM 87505

email pamela.jones@state.nm.us (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Air boards scheduled joint hearing on proposed Clean Car Rule for May 4-5, 2022, with deliberation and decision to follow

The Environmental Improvement Board and the Albuquerque Bernalillo County Air Quality Control Board will hold a joint hearing on the proposed Clean Car Rule (20.2.91 and 20.11.104 NMAC, respectively) to begin Wednesday May 4, 2022. Notice of rulemaking hearing was published in English and Spanish in the New Mexico Register and newspapers throughout the state. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days. The Boards may deliberate and vote on the proposed Clean Car rule immediately following the hearing, likely beginning Friday May 6, 2022.

The Environmental Improvement Board and Albuquerque Bernalillo County Air Quality Control Board approved petitions for a joint hearing on the proposed New Motor Vehicle Emission Standards (the Clean Car Rule)

On December 17, 2021, the Environmental Improvement Board proposed a joint hearing for the proposed New Motor Vehicle Emission Standards to begin Wednesday, May 4, 2022. The Albuquerque Bernalillo County Air Quality Control Board concurred on February 9, 2022, in response to the City of Albuquerque's petition. The proposed Clean Car Rule incorporates constructive feedback that NMED and the City of Albuquerque received during the informal comment period and will cover New Mexico statewide to meet the requirements of the federal Clean Air Act.

NMED received over 130 comments on the discussion draft Clean Cars Rule

The Department received and considered the comments submitted on the discussion draft Clean Car Standard Rule by auto dealers, automakers, the agriculture industry, community advocates, environmental groups, and over 120 individual New Mexicans. The majority of comments support the adoption of stricter tailpipe emission standards on new passenger cars and the requirement that automakers deliver a greater percentage of zero-emission passenger cars beginning in 2025.

NMED held the 3rd Clean Cars New Mexico public engagement meeting on November 3, 2021

During the third Clean Cars New Mexico public meeting on November 3, 2021, the NMED planning team presented the discussion draft Clean Cars Rules with their projected cost and emission benefits. View a copy of the presentation slides [here](#). The public meeting recording can be accessed by clicking on the image below.



NMED held the 2nd Clean Cars New Mexico public engagement meeting on September 15, 2021

During the second Clean Cars New Mexico public meeting on September 15, 2021, the planning team described how the three parts of the proposed Clean Car Rule work together to reduce mobile source emissions from light and medium-duty vehicles and elaborated on the zero-emission vehicle requirements. View a copy of the presentation slides [here](#). The public meeting recording can be accessed by clicking on the image below. Please note that we did not record the first few minutes of the meeting.



NMED held the Clean Cars New Mexico kickoff meeting on July 21, 2021

During the kickoff meeting on July 21, 2021, NMED and Albuquerque staff described how the proposed Clean Cars Rule works and presented the adoption timeline. View a copy of the presentation slides [here](#). The public meeting recording can be accessed by clicking on the image below.



What is Clean Cars New Mexico all about?

Clean Cars New Mexico is about adopting stricter emission standards for new cars and trucks offered for sale in the state. The low-emission vehicle (LEV) standard would require car manufacturers to offer new passenger cars and trucks in New Mexico that produce fewer greenhouse gases and other harmful air pollutants than vehicles only subject to the federal standard. The zero-emission vehicle (ZEV) standard would require manufacturers to offer for sale a minimum number of new, low- and zero-tailpipe emission vehicles (battery-electric vehicles, plug-in hybrid electric vehicles, and hydrogen-fuel-cell vehicles) as a percentage of all new vehicles for sale in the state. While the standards are identical to those set by California, New Mexico has some flexibility in determining early action credits, proportional credits, adoption timeline, reporting, compliance, and enforcement. California's LEV/ZEV regulations have been adopted in at least 14 other states and Washington D.C., including recently in Nevada, Minnesota, Virginia, and Washington.

Why is NMED working with the City of Albuquerque?

The Environmental Improvement Board regulations govern air quality throughout the non-tribal areas of the state except within Bernalillo County, which is the domain of the Albuquerque-Bernalillo County Air Quality Control Board. To assure that the rule applies to the jurisdictions of both the EIB and of the AQCB and meets the identity requirements of Section 177, the City of Albuquerque and NMED are partnering on these rules to clean up car tailpipe emissions for the air that all New Mexican's breathe.. Find out more at the [City's Clean Cars Rule website](#).

Why is the state advancing Clean Cars New Mexico now?

Governor Michelle Lujan Grisham's [Climate Change Executive Order](#) announced our state's intent to reduce greenhouse gas (GHG) emissions by 45% by 2030. The order includes the Clean Cars New Mexico initiative to adopt low- and zero-emissions performance standards for passenger cars and trucks. After helping businesses keep employees safe during the COVID-19 pandemic and drafting the ozone precursor rule, NMED is ready to clean up emissions from passenger vehicles. This initiative is just one part of a broad program to reduce pollution across the transportation, energy, agricultural, industrial, and commercial sectors of our economy, which are outlined in the [2020 New Mexico Climate Strategy](#).

What is the timeline for the proposed Clean Cars New Mexico rulemaking?

The graphic below lays out the proposed rulemaking schedule, which began with a robust stakeholder and public engagement process. After NMED and the City of Albuquerque filed rulemaking petitions in December 2021 and January 2022 to their respective air boards, the New Mexico Environmental Improvement Board and the Albuquerque-Bernalillo County Air Quality Control Board agreed to hold a joint hearing beginning on May 4, 2022. If the air boards agree to hold deliberations and make a decision on May 6, 2022, immediately following the hearing, the timeline below may be accelerated.



How is NMED planning for public involvement?

NMED developed this **Public Involvement Plan (PIP)** to increase transparency regarding the planning, decision-making, and rulemaking process of adopting California’s Clean Car standards. The PIP describes the specific activities the department is taking to inform and include New Mexicans in this rulemaking process.

To Learn More about Clean Cars New Mexico:

- Check back on this website for updates
- Contact Claudia Borchert at cleancarsnm@state.nm.us or 505-699-8489 with NMED
- Contact Ken Miller at kimiller@ceqa.nm.gov or 505-822-8747 with EUB

Jobs	Records Request	Requests for Proposal	Request a Speaker	Request a Meeting	Public Notices	Calendar
Harold L. Runnels Building	1190 St. Francis Drive, Suite N4050		Santa Fe, New Mexico 87505		tel (800) 219-6157	(505) 827-2855

From: [Becker, Kathryn, NMENV](#)
To: [Adam Duran](#); [Alan Hatch](#); [Cameron Martinez](#); [Cordell TeCube](#); [Cynthia Naha](#); [Dino Chavarria](#); [DMartinez](#); [Erin Martinez](#); [Evaristo A. Cruz](#); [Franklin Martinez \(fmartinez@poamail.org\)](#); [Glenn Tortalita](#); [Greg Jojola](#); [Greg Kaufman](#); [Heaven Lucero](#); [Jennifer Heminokeky](#); [Jesse Young](#); [Karmen Badoni](#); [Keith Manwell](#); [Larry Phillips, Jr.](#); [mvgil@taospueblo.com](#); [Margaret Chavez](#); [Naomi Archuleta](#); [Paul Clark](#); [Pauline Electric Warrior](#); [Pinu"u Sout](#); [Pueblo of Picuris Env. Admin](#); [Pueblo of Picuris Environment](#); [Ramona Montoya](#); [Raymond Martinez](#); [Ruben Lucero](#); [Ryan Swazo-Hinds](#); [Atencio, Jeff](#); [Sophie Stauffer](#); [Steve Rydeen](#); [setter@pol-nsn.gov](#); [Steven Etter](#); [Tammy Belone](#); [tammy.parker@ashiwi.org](#); [thora](#); [Valinda Shirley](#); [Yazza, Wayne](#); [Sage Mountainflower](#)
Cc: [Borchert, Claudia, NMENV](#)
Subject: Clean Car Standards
Date: Tuesday, August 10, 2021 10:18:08 AM

Dear Tribal Environmental Directors,

The New Mexico Environment Department and the City of Albuquerque are beginning rulemaking to propose the adoption of California's clean car standards. These rules would both reduce emissions of all new vehicles offered for sale and require that vehicle manufactures offer a certain number of new zero-tailpipe emission vehicles for sale.

This intention of this email is to engage with you early in our process, so that NMED can have meaningful engagement with tribal governments as we move forward. This engagement is in addition to government-to-government consultation, whereby the Environment Department Secretary Kenney will send a consultation letter to the leadership of each tribe/nation/pueblo in New Mexico.

We recognize that your community may be disproportionately affected by climate change and has specific cultural and historical knowledge that is relevant to preserving New Mexico's climate and landscape. We believe these clean car rules will have the following benefits to the tribes, nations and pueblos in the state:

- 1. The rules would decrease harmful smog forming pollution, like fine particles and carbon monoxide. These emissions can make it difficult for some people to breathe, triggering lung diseases such as asthma, emphysema, and chronic bronchitis, and which may lead to premature death.*
- 2. More fuel-efficient vehicles would mean less money spent at the pump, especially for those tribal members that may travel great distance to see family, to access health care, and to shop. Powering electric vehicles costs, on average, the equivalent of 75 cents per gallon.*
- 3. The standards would reduce the greenhouse gas emissions that warm our planet, thereby lessening the threat of drought, fire, flood, and other environmental destruction. Transportation accounts for the state's second greatest greenhouse gas emissions, after the oil and gas industry.*
- 4. The zero tailpipe emission vehicles standard would provide more options for vehicle buyers. By 2025, when these rules would go into effect, Consumer Reports describes that nearly 100 electric vehicle models may be available in the market. The fourteen states*

with clean car standards will be first in line to receive the models, and competition among manufactures will drive down prices.

- 5. The increases in electric vehicles could offer economic opportunities for businesses that embrace the electrification of transportation. Electric vehicle drivers spend time and money at establishments that offer charging stations.*

Our current rulemaking schedule has NMED filing a petition to the Environmental Improvement Board in December 2021 with the proposed clean car rules. We hope the EIB will set a hearing for the spring of 2022. If approved by the EIB, the rules could be published in the New Mexico Register in the fall and after the mandatory federal two-year waiting period, be implemented in 2025.

We hope to have a continued government-to-government coordination and communication about state and tribal climate action in transportation. If you are interested, here are two ways in which we can continue our engagement.

First, we would welcome the opportunity to meet with you to describe the rulemaking in greater detail, and how we believe the rules may benefit and impact your community.

Second, we would like to send out a monthly update to the TEDs describing our progress and challenges, welcoming your continued involvement so please opt-out if this does not interest or impact you or redirect me.

Please contact our staff lead for this effort, Claudia Borchert (505-699-8489) with any questions or to set up an opportunity to meet (live or virtual).

Sincerely,

*Claudia Borchert
Climate Change Policy Coordinator, NMED*

AND

*Dario Rocha, Environmental Health Manager
City of Albuquerque Environmental Health Department*

Sent via
Kathryn S. Becker
Assistant General Counsel
Tribal Liaison
New Mexico Environment Department
Office of General Counsel
Phone: 505-231-9983 PLEASE NOTE NEW NUMBER
kathryn.becker@state.nm.us
www.env.nm.gov



This letter is an example of the individualized letters that NMED emailed to all tribal leaders and their tribal environmental directors on March 10, 2022.

MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

March 10, 2022

Pueblo of Acoma
Governor Randall Vicente
governor@poamail.org

Re: Update on New Mexico Environment Department's Proposed Clean Car Rule; Public comment period open through March 25, 2022

Dear Honorable Governor Vicente,

I hope this letter finds you and the people of Pueblo of Acoma well. I am writing to provide you timely updates related to the New Mexico Environment Department (NMED) and the City of Albuquerque (City) rulemaking to adopt California's clean car standards under Title 20, Chapter 2, Part 91 of the Air Quality Control Act, New Motor Vehicle Emission Standards ("the Clean Car Rule").

As NMED moves forward with the proposed Clean Car Rule, this correspondence follows a previous letter from the Department to your environmental directors in summer 2021 when we launched the rulemaking process. NMED appreciated the opportunity to present information on the Clean Car Rule to tribal leadership on September 15, 2021, at the Tribal Leaders briefing hosted by the Indian Affairs Department and to the Intertribal Resource Advisory Committee (IRAC) on the same day.

When Governor Michelle Lujan Grisham took office, she promptly issued Executive Order 2019-003 on "Addressing Climate Change and Energy Waste Prevention" and pledged to create a clean energy future, limit adverse climate change impacts, and reduce pollution that threatens human health. The Clean Car Rule, if adopted, will reduce emissions of all new passenger vehicles offered for sale in New Mexico and require that vehicle manufacturers offer a certain number of new zero-tailpipe-emission vehicles (like plug-in electric or full battery-electric passenger cars) for sale beginning in model year 2026 after the mandatory federal two-year waiting period ends. New Mexico has little opportunity to modify the Clean Car Rule, as federal law requires that states either adopt California's more stringent standards or follow the federal regulations.

The Clean Car Rule may have the following benefits to the tribes, nations, and pueblos in New Mexico:

- 1) Healthier communities through decreased harmful smog-forming pollution.
- 2) Economic opportunities for governments and businesses that invest in electric vehicle sales, such as the Tesla showroom on Nambe Pueblo, and vehicle charging stations, while governments, businesses, and families save money at the pump.

3) Combat climate change by reducing greenhouse gas emissions.

More information on the Clean Car Rule is attached to this letter and available at <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>.

Since NMED's previous communications with tribal leaders, the New Mexico Environmental Improvement Board and Albuquerque Bernalillo County Air Quality Control Board agreed to hear the petitions from NMED and the City, respectively, and scheduled a joint hearing for May 4-6, 2022. Hearing details are available via NMED's online calendar at <https://www.env.nm.gov/events-calendar/>. The two Boards may make their independent decision immediately following the hearing and deliberation on May 6, 2022, or sometime thereafter.

You and your staff can learn more about the hearing, including opportunities to support the rulemaking, at https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/02/2022-02-10-Notice-of-Rulemaking-Hearing-20_2_91-final_NMAC-New-Motor-Vehicle-Emission-Standards-final.pdf. As described in this public notice, the public comment period extends through 5pm on March 25. Technical experts can register to testify at the hearing by filing a notice of intent with the Board Administrator by April 14, 2022. Any interested person may submit non-technical comments orally or in writing anytime up to and during the hearing.

If you need additional information before supporting the Clean Car Rule, we invite your staff to contact Claudia Borchert at 505-699-8489 or claudia.borchert@state.nm.us to learn more.

We appreciate your coordination and communication with NMED on state and tribal climate action to reduce harmful emissions from transportation and other sectors.

Respectfully,



James C. Kenney
Cabinet Secretary

Attachments: Information About the Clean Car Rule; Notice of Rulemaking Hearing 20-2-91
NMAC New Motor Vehicle Emission Standards

Cc: Franklin Martinez, Environmental Director, Pueblo of Acoma,
(fmartinez@puebloofacoma.org)

Timothy Keller, Mayor, City of Albuquerque (mayorkeller@cabq.org)
Lynn Trujillo, Cabinet Secretary, Indian Affairs Department (lynn.trujillo@state.nm.us)
Kathryn Becker, Assistant General Counsel and Tribal Liaison, New Mexico Environment
Department (kathryn.becker@state.nm.us)
Andrew Knight, Assistant General Counsel, New Mexico Environment Department
(Andrew.knight@state.nm.us)
Sandra Ely, Environmental Protection Division Director, New Mexico Environment
Department (sandra.ely@state.nm.us)



Information About the Clean Car Rule

On June 24, 2021, the New Mexico Environment Department and the City of Albuquerque Environmental Health Department announced the start of a Clean Cars rulemaking process. Adopting low-emission and zero-emission standards for new cars and trucks offered for sale in New Mexico improves the air we breathe, gives consumers more choices, saves New Mexicans money, and is good for our planet.

Pollution from transportation accounts for a large portion of New Mexico's greenhouse gas emissions and contributes to the state's growing ozone problem. Seven New Mexico counties are nearing problematic ground-level ozone levels, which cause respiratory illnesses, heart attacks, and disproportionately affect the state's most vulnerable populations. The Clean Car Rule can significantly improve air quality, including ground-level ozone levels, especially along heavily traveled urban corridors where traditionally disadvantaged populations disproportionately live and work.

What is the Clean Cars Rule all about?

The Clean Car Rule is about adopting stricter emission standards for new cars and trucks offered for sale in the state. The low-emission vehicle (LEV) standard would require car manufacturers to offer in New Mexico new passenger cars and trucks that produce fewer greenhouse gases and other harmful air pollutants than vehicles only subject to the federal standard. The zero-emission vehicle (ZEV) standard would require manufacturers to offer for sale a minimum number of new, low- and zero-tailpipe emission vehicles (battery electric vehicles, plug-in hybrid electric vehicles, and hydrogen fuel cell vehicles) as a percentage of all new vehicles for sale in the state. While the standards are identical to those set by California, New Mexico has some flexibility in determining early action credits, proportional credits, adoption timeline, reporting, compliance, and enforcement. As permitted by the federal Clean Air Act, California's LEV/ZEV regulations have been adopted in 14 other states and Washington D.C.

Why are NMED and the City of Albuquerque working together?

The Environmental Improvement Board regulations govern air quality throughout the non-tribal areas of the state except within Bernalillo County, which is the domain of the Albuquerque-Bernalillo County Air Quality Control Board. Just like in 2007, the City of Albuquerque and NMED are partnering on the Clean Car Rule to clean up the air that all New Mexicans breathe.



Why are the state and the City advancing the Clean Car Rule now?

Governor Michelle Lujan Grisham’s Climate Change Executive Order announced our state’s intent to reduce greenhouse gas (GHG) emissions by 45% by 2030. The order includes the Clean Car Rule initiative to adopt low- and zero-emissions performance standards for passenger cars and trucks. After helping businesses keep employees safe during the COVID-19 pandemic and drafting the ozone precursor rule, NMED is ready to clean up emissions from passenger vehicles. This initiative is just one part of a broad program to reduce pollution across the transportation, energy, agricultural, industrial, and commercial sectors of our economy, which are outlined in the [2020 New Mexico Climate Strategy](#).

What is the timeline for adopting the proposed Clean Car Rule?

The graphic below lays out the rulemaking schedule, which began with a robust stakeholder and public engagement process. After NMED and the City of Albuquerque filed rulemaking petitions in December 2021 and January 2022 to their respective air boards, the New Mexico Environmental Improvement Board and the Albuquerque-Bernalillo County Air Quality Control Board agreed to hold a joint hearing beginning on May 4, 2022.



For more information, visit <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/> or contact Claudia Borchert at 505-699-8489 or claudia.borchert@state.nm.us

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER
ADOPTION OF PROPOSED 20.2.91 NMAC
EIB 21-66 (R)**

The New Mexico Environmental Improvement Board (“EIB”) will hold a joint public hearing with the Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) on May 4, 2022, beginning at 9:00 am and continuing through May 6, 2022, to consider EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards (“20.2.91 NMAC”) via the web application WebEx. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days with the third day to be reserved for deliberations.

The hearing is being held via WebEx due to restrictions currently in place by Governor Lujan Grisham’s Executive Orders and various emergency public health orders designed to protect the public and prevent the spread of COVID-19. The hearing location may change before the hearing date, and the Board may hold the hearing in person if circumstances allow. Even if the Board holds the hearing in person, the Board Administrator will provide teleconference or virtual access to those wishing to participate without being at the hearing in person. Those interested in attending should contact the Board Administrator at (505) 660-4305 or visit the New Mexico Environment Department (“NMED”) calendar at <https://www.env.nm.gov/events-calendar/>. Meeting and access details will be available on the calendar entry corresponding to the hearing start date no later than April 22, 2022. The calendar entry will also inform the public if the hearing will also be held in person. All interested persons may submit comments to Board Administrator through the conclusion of the hearing.

The purpose of the public hearing is for the EIB to consider and take possible action on a petition by NMED requesting the EIB to adopt a new regulation, 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/12/2021-12-01-EIB-21-66R-Petition-New-Vehicle-Emission-Stds-pj.pdf>), which will set standards for low-emission and zero-emission light- and medium-duty vehicles delivered for sale in New Mexico. This regulation is part of a broader state effort to address greenhouse gas emissions and is being proposed in accordance with Governor Lujan Grisham’s Executive Order on Addressing Climate Change and Energy Waste Prevention (EO 2019-003).

The proposed regulation is similar to 20.2.88 NMAC Emissions Standards for New Motor Vehicles that the EIB adopted during a joint hearing with the AQCB in 2007 and which was later repealed by the EIB. These proposed standards also relate to a rulemaking petition filed with the EIB by Climate Advocates in June 2021. To assure that the rule applies to the jurisdictions of both the EIB and of the AQCB and meets the identity requirements of Section 177 of the Clean Air Act, the EIB and the AQCB will hold a joint hearing and deliberation to consider

20.2.91 NMAC and 20.11.104 NMAC (<https://www.cabq.gov/airquality/regulation-development/clean-cars-i-regulation-documents>), respectively. The EIB and the AQCB may independently decide on the proposed rule for their jurisdiction at the conclusion of the hearing or may convene later meetings for that purpose.

The Petition and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown, in the section for EIB 21-66 (R) - In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on the Clean Cars webpage at <https://www.env.nm.gov/the-road-to-clean-cars-new-mexico/>. Interested persons may contact Claudia Borchert at (505) 699-8489 or cleancarsnm@state.nm.us with questions and comments concerning the proposed rule. The deadline for stakeholders and the public to submit written comments to NMED is 5 p.m., March 25, 2022.

The hearing will be conducted in accordance with: 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; the *Environmental Improvement Act*, Section 74-1-9 NMSA 1978; the *Air Quality Control Act*, Section 74-2-6 NMSA 1978; and other applicable procedures.

Hearings and meetings of the Boards are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such a statement prior to the close of the hearing.

TECHNICAL TESTIMONY

Any person who wishes to present technical evidence at the hearing shall file a notice of intent at least 20 days prior to the hearing date to the Board Administrator including the docket number and the name of the regulation, EIB 21-66 (R)- In the Matter of Proposed 20.2.91 NMAC – New Motor Vehicle Emissions Standards. The notice of intent 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 educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

ENTRY OF APPEARANCE

Any person who wishes to be treated as an interested participant and to cross-examine witnesses at the hearing shall file and serve upon all parties an entry of appearance at least 20 days prior to the hearing date. A timely notice of intent shall be considered an entry of appearance. The entry of appearance must identify the person wishing to be treated as an interested participant and any individual who may appear on behalf of that person.

Those wishing to submit non-technical testimony prior to the hearing may submit relevant evidence, data, views, and arguments to the Board Administrator: pamela.jones@state.nm.us, telephone (505) 660-4305, or Environmental Improvement Board Administrator, New Mexico Environment Department- Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Those submitting non-technical public comment at the hearing or a non-technical written statement in lieu of oral testimony at or before the hearing should reference docket number EIB 21-66 (R).

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the Board Administrator at least 14 days prior to the hearing date at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502, telephone (505) 660-4305, or email pamela.jones@state.nm.us (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice of Nondiscrimination

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above. You may also visit NMED's website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.



March 28, 2022

VIA EMAIL

Painter Westlee, Administrator
Small Business Regulatory Advisory Council
New Mexico Economic Development Department
1100 S. St. Francis Drive
Santa Fe, NM 87505-4147

Re: Proposed Clean Cars Rule, 20.2.91 NMAC

Dear Painter,

The New Mexico Environment Department is proposing a new rule at 20.2.91 NMAC, known as “New Motor Vehicle Emission Standards”. This rule would adopt certain California emission standards for new vehicles beginning with model year 2026 and subsequent model year passenger cars, light-duty trucks, medium-duty passenger vehicles, medium-duty vehicles, or motor vehicle engines.

This rule is not expected to have a significant effect on small businesses in New Mexico, in part because California emission standards are currently identical to the federal emission standards for these types of motor vehicles, and in part because the rule is primarily directed to the national manufacturers of new motor vehicles.

The rule requires that, beginning with model year 2026, these manufacturers only deliver for sale in New Mexico vehicles that meet California emission standards. In addition, it requires that manufacturers comply with California Code of Regulations Title 13, Section 1962.2(a) in their delivery for sale of zero emission vehicles, and sets up a system of early action credits for the manufacturers who deliver zero emission vehicles for sale in New Mexico before the 2026 model year.

The rule would not apply to used cars, motorcycles, farm equipment, heavy duty vehicles, or emergency vehicles. A full list of the exemptions is found at Section 103 of the proposed rule attached to this letter.

NMED has worked closely with stakeholders during the development of this rule, including the New Mexico Automobile Dealers Association. We are not expecting significant opposition to this proposal during the rulemaking hearing.

Please let me know if SBRAC has any concerns or questions regarding the proposed rule, or would like to have further discussions with NMED and the City of Albuquerque concerning this proposal.

Sincerely,

Andrew Knight Digitally signed by Andrew Knight
Date: 2022.03.28 09:41:18 -06'00'

Andrew P. Knight
Assistant General Counsel