

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER
PROPOSED AMENDMENTS TO 20.2.91 NMAC
EIB 23-56 (R)**

The New Mexico Environmental Improvement Board (“EIB”) will hold a joint public hearing with the Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) beginning on November 13, 2023, at 9:00 am and continuing through November 15, 2023, to consider EIB 23-56 (R) - In the Matter of Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emissions Standards (“20.2.91 NMAC”). The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may begin deliberation on the proposed rule on November 15th or the following day.

The in-person hearing will be held in the [Bigbee Auditorium at the State Bar Center](#), 5121 Masthead Street, NE in Albuquerque, New Mexico. Detailed information concerning the time and location can be found on the New Mexico Environment Department (“NMED”) calendar at <https://www.env.nm.gov/events-calendar/> no later than October 20, 2023. For more information, please contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov. Additional meeting and access details, including if the hearing has a virtual component, will be available in the calendar entry corresponding to the hearing start date.

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 amendments to 20.2.91 NMAC (<https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2023/07/2023-07-07-EIB-23-56-EPD-CCB-ACT-II-Petition-final.pdf>), which will update New Mexico’s standards to align with California’s standards for low-emission and zero-emission light- and medium-duty vehicles. The proposed rules also require new emission standards and reporting requirements identical to California’s for heavy-duty vehicles delivered for sale in New Mexico. This regulation is part of a broader state effort to address greenhouse gas emissions in keeping with Governor Lujan Grisham’s [Executive Order 2019-003: Addressing Climate Change and Energy Waste Prevention](#) (https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO_2019-003.pdf). The EIB is authorized to adopt the proposed amendments pursuant to the Environmental Improvement Act, Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and the Air Quality Control Act, Sections 74-2-1 through 74-2-17 NMSA 1978.

The proposed regulation amends 20.2.91 NMAC, New Motor Vehicle Emission Standards, that the EIB originally adopted in 2022 during a joint hearing with the AQCB. To assure that the rule applies to the jurisdictions of both the EIB and the AQCB – statewide – and meets the identity requirements of Section 177 of the Clean Air Act, the EIB and the AQCB will hold a joint hearing and possible deliberation to consider the proposed amendments to 20.2.91 NMAC

and 20.11.104 NMAC

(<https://www.dropbox.com/scl/fo/9mlsyv00cgfk2qw5s5k88/h?dl=0&rlkey=70dg126euv6woll1rtsr>), respectively. The EIB and the AQCB may independently make a final decision on the proposed rule for their respective jurisdictions at the conclusion of the hearing or may convene later meetings for that purpose. 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.

The Petition, Statement of Reasons, Amended Rule, and related documents may be viewed on NMED's docketed matters website under the Environmental Improvement Board dropdown menu, in the section for EIB 23-56 (R) - In the Matter of Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emission Standards. NMED's docketed matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on NMED's Clean Transportation webpage at <https://www.env.nm.gov/transportation/>. Paper copies of the petition, the statement of reasons and the proposed rule are available at all NMED's offices statewide. Interested persons may contact Bonney Hughes at (505) 479-2207 or cleancarsnm@env.nm.gov with questions.

PUBLIC PARTICIPATION

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.

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 23-56 (R)- In the Matter of Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emission 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.

PUBLIC COMMENT

Those wishing to submit comments prior to the hearing may submit relevant evidence, data, views, and arguments to the EIB Administrator:

<https://nmed.commentinput.com/?id=TuMmsArBj>; pamela.jones@env.nm.gov, 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 23-56 (R). Any person wishing to submit a non-technical written comments for the record in lieu of oral testimony must file such a statement prior to the close of the hearing.

ACCESSIBILITY

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@env.nm.gov (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: 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.