

Notice of Proposed Rule Making – 6 NYCRR Part 218, “Emissions Standards for Motor Vehicles and Motor Vehicle Engines”

Notice is hereby given that the New York State Department of Environmental Conservation (NYSDEC) filed a Notice of Proposed Rule Making with the New York State Department of State on August 24, 2021 to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, “Emissions Standards for Motor Vehicles and Motor Vehicle Engines”, and Part 200, “General Provisions”. These amendments will further the goals of reducing air pollution from motor vehicles by incorporating the State of California’s medium- and heavy-duty zero emission vehicle (ZEV) sales requirement and large entity reporting requirement, also referred to as the “Advanced Clean Trucks” (ACT) regulation. The amendments are also consistent with the requirements of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019, to further reduce GHG emissions in the State.

Public comment hearing webinar for the proposed rule will be held on November 9, 2021 before Administrative Law Judge (ALJ) Michele M. Stefanucci via electronic webinar as follows and, accordingly, are reasonably accessible to persons with impaired mobility:

Date: November 9, 2021

Time: 2:00 p.m.

Access: To join through the internet, visit www.webex.com and click “Join a meeting.”

Event Number: 179 226 5743
Password: Nov9-2PM

To join by phone only, dial: 1-518-549-0500
Access Code: 179 226 5743

Persons wishing to comment on the proposed rule will have the opportunity to make a statement at the public comment hearing webinars. **Any person wishing to provide a public statement must register in advance of the hearings no later than 10:00 a.m. November 8, 2021.**

Any person who wishes only to observe the webinars online must also register. Any person may listen to the hearings by phone without pre-registration.

To register electronically: Persons who will login to the hearings electronically must register. To register, visit <http://www.webex.com>, click “Join a meeting,” input the event number listed above, click “Register,” and fill in the requested information. You will be asked whether you wish to make a public statement or not. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

On the appropriate date and time of the hearing, participants should visit <https://www.webex.com>, click “Join a meeting” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants choose to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register by telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants must register to speak in advance by calling the Department at 518-402-9003 no later than 10:00 a.m., **November 8, 2021**. Please provide your first and last name, address, email address if any, and telephone number and reference the Part 218 public comment hearing.

On the day and time of the hearing, use the phone access phone number, (518) 549-0500, and the appropriate access code listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all participants an opportunity to be heard. We also recommend that lengthy comments be summarized for oral presentation and submitted in writing as provided below. The hearings will be recorded for inclusion in the record.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than **October 19, 2021**. The written request must be addressed to ALJ Michele M. Stefanucci, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Stefanucci at ohms@dec.ny.gov.

Public Comment on the Proposed Rule Making

The public comment period on the rule making concludes at 5:00 pm on November 17, 2021. Written statements may be submitted to NYSDEC, 625 Broadway, 11 Floor, Albany, NY 12233-3250, ATTN: Jeff Marshall, P.E. or by email to air.regs@dec.ny.gov. Written statements must be submitted to the NYSDEC by 5 p.m. on November 17, 2021.

Environmental and Regulatory Impact Review

NYSDEC has determined that the proposed rule making will not have a significant adverse environmental impact. NYSDEC has prepared a Regulatory Impact Statement, a Regulatory Flexibility Analysis for Small Businesses and Local Governments, a Rural Area

Flexibility Analysis and a Job Impact Statement, in accordance with the State Administrative Procedures Act.

Available Documents

Copies of the documents for the proposed rule making described above, along with the Express Terms (text of proposed rule), are available on the NYSDEC website at <https://www.dec.ny.gov/regulations/propregulations.html> or by contacting the NYSDEC (see below).

Contact: New York State Department of Environmental Conservation, 625 Broadway, 11 Floor, Albany NY 12233-3250, ATTN: Jeff Marshall, P.E., Phone: (518) 402-8292, E-mail: air.regs@dec.ny.gov.

Authority

NYSDEC is conducting the rule making proceedings, including the above-mentioned public hearing, pursuant to New York State Environmental Conservation Law §§ 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105 and section 177 of the federal Clean Air Act (42 U.S.C. section 7507).