

Minnesota Pollution Control Agency

NOTICE OF INTENT TO ADOPT RULES WITH A HEARING

Proposed Rules Adopting Vehicle Greenhouse Gas Emissions Standards—Clean Cars Minnesota, Minnesota Rules, chapter 7023; Revisor’s ID Number 04626, OAH docket number 71-9003-36416

Overview. This notice is the Minnesota Pollution Control Agency’s (MPCA’s) legal notice of its intent to adopt amended air rules after a hearing. The purpose of these rule amendments, known as Clean Cars Minnesota, is to reduce greenhouse gas (GHG) and other air pollutant emissions from light-duty and medium-duty vehicles by adopting the Low-Emission Vehicles (LEV) and Zero-Emission Vehicles (ZEV) standards adopted by the California Air Resources Board, as allowed under section 177 of the Clean Air Act (CAA). This notice provides you the opportunity to submit comments on this rule to the Administrative Law Judge (ALJ), either orally at the hearing or in writing at any time before the close of the hearing record. The [Subject of Rules](#) section provides further description of these proposed rules. If the proposed rule changes affect you in any way, the MPCA encourages you to participate in the rulemaking process.

View the [Alternative Format/Accommodation](#) and [MPCA Contact Person](#) sections of this notice for information on requesting this document in an alternative format.

Subject of Rules and Statutory Authority. The proposed rules would adopt two emissions standards for GHGs and other air pollutants from light-duty and medium-duty vehicles. The LEV standard would require automobile manufacturers to deliver for sale in Minnesota only vehicles that meet the more stringent GHG and other air pollutant emissions standards established by California and later adopted by several other states, as allowed under the CAA. The ZEV standard would require automobile manufacturers to deliver for sale in Minnesota each year a certain percentage of vehicles with zero tailpipe emissions, including battery electric vehicles, plug-in hybrid electric vehicles, and hydrogen-fueled vehicles.

Minnesota Statutes, section 116.07, subdivision 4 authorizes the MPCA to adopt rules for the prevention, abatement, and control of air pollution. Minnesota statutes, section 116.07, subdivision 2 authorizes the MPCA to adopt “maximum allowable standards of emission of air contaminants from motor vehicles.”

Public Information Webinars and Legislative Hearings. The MPCA intends to hold several public information webinars on Clean Cars Minnesota before the administrative hearing(s) in order to provide an overview of the proposed rules, the rulemaking process, and how to submit comments to the ALJ. **NOTE:** The webinars are opportunities to learn more about the proposal and the process; they are not opportunities to provide formal comment, and in order to ensure everyone has access to the same information about the rule proposal, MPCA staff will only be able to answer questions on topics that are covered in the publically available documents. Comments must be provided directly to the ALJ either at a hearing or in writing (see the [Public Hearing](#) and [Comments](#) sections below for details). Dates and times for the informational webinars are listed on the rulemaking webpage at <https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking>; links, presentations and other materials related to the webinars will also be posted on the webpage once they are available.

During the Notice period, the MPCA may be asked by the Minnesota Legislature to appear at one or more legislative hearings on this proposed rule or on related issues. Because the MPCA does not control this process, dates and times of legislative hearings are not known in advance and cannot be included in this public notice. Notice of legislative hearings, including dates and times and agendas, are posted by the Legislature at <https://www.leg.state.mn.us/>. Any interested person may attend a legislative hearing at which MPCA is requested to appear.

Public Hearing. The MPCA intends to adopt these rules after two days of public hearings, following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules* parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The ALJ will conduct the hearing by WebEx on February 22 and 23, 2021, beginning at 3 p.m. both days.

February 22 hearing link:

<https://minnesota.webex.com/minnesota/onstage/g.php?MTID=e300ab2852394a12edf124bc884da6c33>

February 23 hearing link:

<https://minnesota.webex.com/minnesota/onstage/g.php?MTID=e86f27f4033c829d958204a7bd13c384a>

The hearing continues until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 6 p.m.). All interested or affected parties will have an opportunity to participate by submitting either oral or written data, statements, or arguments. You may submit a statement without appearing at the hearing. Refer to the [Comments](#) section for information on submitting statements. Additional information regarding the proposed rules and the hearing is provided at <https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking>.

Administrative Law Judge. ALJ Jessica A. Palmer-Denig will conduct the hearing. Judge Palmer-Denig's Legal Assistant, Anne Laska, can be reached at the OAH, 600 N. Robert St., P.O. Box 64620, St. Paul, MN 55164-0620, telephone 651-361-7881, and fax 651-539-0310. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the OAH, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the ALJ.

Availability of Rules and Statement of Need and Reasonableness. A copy of the proposed rules is published in the *State Register* with this notice. The statement of need and reasonableness (SONAR) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost and benefit of the proposed rules. Electronic copies of the proposed rules and the SONAR are on the MPCA's website at <https://www.pca.state.mn.us/public-notice>, and at <https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking>. A print copy of the proposed rules is available for free upon request (one copy per request) by contacting the [MPCA contact person](#); a print copy of the SONAR is available for the cost of reproduction.

Comments. You and all interested or affected people, including representatives of associations and other interested groups, will have an opportunity to participate. The ALJ will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Comments received at the hearing will be considered equally with written comments. You are strongly encouraged to submit written comments to the ALJ through the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If it is not possible for you to use the eComments website, you may submit your written comments in person, via U.S. mail, or by fax to Judge Palmer-Denig at the address provided in the [Administrative Law Judge](#) section. All evidence that you present should relate to the proposed rules. **NOTE: Comments regarding the MPCA's proposal *must be sent to the ALJ*. Comments sent to the MPCA alone will not be part of the rulemaking record.** Comments submitted after the close of the comment period will not be accepted or considered part of the record. After the ALJ sets the closing date, the MPCA will update the rule website at <https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking> to notify interested parties of the deadline to comment.

You may submit written comments to the ALJ to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the ALJ may order this period extended for a longer time, but for no more than 20 calendar days. After the comment period, there is an additional five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

The OAH must receive all comments and responses submitted to the ALJ no later than 4:30 p.m. on the date the ALJ sets for the end of the comment period. All comments or responses received are public and will be available for review at <https://minnesotaoah.granicusideas.com/discussions> or at the OAH. You may view frequently asked questions about the OAH Rulemaking eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Any questions about submitting comments via the OAH Rulemaking eComments website should be directed to the OAH at 651-361-7900.

MPCA Contact Person. The MPCA contact person is Katie Izzo, MPCA Rule Coordinator, 520 Lafayette Rd. N, St. Paul, MN 55155-4194; telephone 651-757-2595; email cleancarsmn.pca@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Modifications. The MPCA may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The public is also advised that, depending upon the comments received, the MPCA may withdraw the proposed changes.

Adoption Procedure After the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date when the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the [MPCA contact person](#).

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the [MPCA contact person](#).

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Laura Bishop

This document has been electronically signed.

Laura Bishop, Commissioner
Minnesota Pollution Control Agency

December 14, 2020
Date

