



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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Commissioner

## PUBLIC HEARING NOTICE

This Public Hearing Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -- Kreyòl Ayisyen -- Português) on MassDEP's website at:

<https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP) will hold a public hearing on emergency regulations that amended 310 CMR 7.40, *Low Emission Vehicle Program*, pursuant to the authority of M.G.L. c. 21A §§ 2, 8 and 16, M.G.L. c. 21N and M.G.L. c. 111, §§ 2C and 142A through 142M. The emergency regulations went into effect on November 4, 2024, and incorporate regulations promulgated by the California Air Resources Board for the Heavy-duty Omnibus model year 2026 legacy engine provisions, clarify exemptions for transit buses, emergency vehicles and military tactical vehicles, and delays the Heavy-duty Omnibus effective model year from model year 2025 to 2026. In accordance with M.G.L. Chapter 30A, MassDEP is providing two public hearings and a public comment period on the emergency regulations, which may be modified after public hearing and comment.

The emergency regulations and background information are available on MassDEP's web site at <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>. The dates of and registration information for the public hearings are:

Monday, December 9, 2024, at 1:00 PM (EST)

Register in advance for this public hearing:

<https://us06web.zoom.us/meeting/register/tZcvcOGtqjIpH9UCrWE2K4juz0pfyjcE6iMa>

Monday, December 9, 2024, at 5:30 PM (EST)

Register in advance for this public hearing:

<https://us06web.zoom.us/meeting/register/tZEldOiopjMiH90IjCod7kNW2CZd7yzDzS3c>

After registering, you will receive a confirmation email containing information about joining the hearing.

MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter to participate in this hearing, translation services can be found at <https://www.mass.gov/info-details/massdep-language-translation-assistance>.

Testimony may be presented orally and/or in writing at the public hearing. Written comments will be accepted until 5:00 PM on December 19, 2024. Written comments must be submitted by email to Ngoc Hoang at [ngoc.hoang@mass.gov](mailto:ngoc.hoang@mass.gov) or by mail to Ngoc Hoang, MassDEP, Bureau of Air and Waste, 100 Cambridge Street, Suite 900, Boston, MA 02114.

By order of the Department.  
Bonnie Heiple, Commissioner

### Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR No.: 310 CMR 7.00 (7.40)**

**Estimate of the Number of Small Businesses Impacted by the Regulation: None**

**Select Yes or No and Briefly Explain**

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)  The regulation exempts certain vehicles from emissions limits. The legacy engine provisions provide flexibility to manufacturers of heavy-duty engines and are considered performance standards.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation?  MassDEP is adopting California's provisions to maintain identity with California as required by Section 177 of the federal Clean Air Act.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?  The regulation only applies to vehicle manufacturers, which are not small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  The regulation only applies to vehicle manufacturers, which are not small businesses.