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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil, AAC Contact
Department of Environmental Conservation

FROM: Benjamin Shier 
Special Assistant
907.465.4081

DATE: October 5, 2009

RE: Filed Permanent Regulations: Department of Environmental Conservation

State Air Quality Control Plan and Anchorage Vehicle Emission Inspection and Maintenance (I/M) Program: 18 AAC 50.030; 18 AAC 52.005(c), (f); 18 AAC 52.060(d); 18 AAC 52.990(78)

Attorney General File:	993-08-0144
Regulation Filed:	10/5/2009
Effective Date:	11/4/2009
Print:	192, January 2010

cc with enclosures: Linda Miller, Department of Law
Jim Pound, Administrative Regulation Review Committee
Judy Herndon, LexisNexis
Scott Sloane, DEC

ORDER ADOPTING CHANGES TO REGULATIONS OF
THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached three pages of regulations, dealing with air quality control at 18 AAC 50 and emission inspection and maintenance (I/M) requirements for motor vehicles at 18 AAC 52, are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03.020, AS 46.14.020, 46.14.030, 46.14.140, and 46.14.510 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no comments were received, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

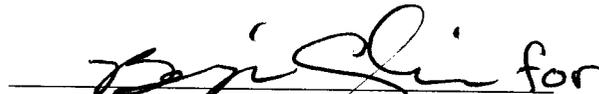
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: September 25, 2009
Anchorage, Alaska


Larry Hartig, Commissioner
Department of Environmental Conservation

Benjamin P. Shier for FILING CERTIFICATION

I, *Benjamin P. Shier* for Craig E. Campbell, Lieutenant Governor for the State of Alaska, certify that on October 5, 2009, at 2:35 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Craig E. Campbell, Lieutenant Governor

Effective: November 4, 2009.

Register: 192, January 2010.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, CRAIG E. CAMPBELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

BENJAMIN SHIER, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, at Anchorage, on August 10, 2009.




.....
**CRAIG E. CAMPBELL
LIEUTENANT GOVERNOR**

Register 192, Jan 2010 ENVIRONMENTAL CONSERVATION

The lead-in language of 18 AAC 50.030 is amended to read:

18 AAC 50.030. State air quality control plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through **August 5, 2009** [FEBRUARY 20, 2009], are adopted by reference. The plan includes the following documents which are also adopted by reference:

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/09, Register 192)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 52.005(c)(1)(A)(ii) is amended to read:

(ii) the vehicle is a model year (MY) **2006** [2004] or newer; if the vehicle is a model year **2006** [2004] or newer, the vehicle's first inspection is due when the current calendar year equals the vehicle model year plus **six** [FOUR] years; subsequent inspections are due every two years after the year the vehicle's first inspection is due;

Register 192, Jan 2010 ENVIRONMENTAL CONSERVATION

18 AAC 52.005(f) is amended by adding new paragraphs to read:

(9) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(b) and 13 AAC 40.010, a current, valid special registration and registration plates for a historic vehicle; or

(10) a motor vehicle for which the division of motor vehicles in the Department of Administration has issued, under AS 28.10.181(r) and AS 28.90.990, a current, valid special registration and registration plates for a custom collector vehicle.

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; 1/1/2000, Register 152; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am 5/17/2008, Register 186; am 11 / 4 / 09, Register 192)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020

18 AAC 52.060(d)(1)(A) is amended to read:

(A) the motorist's adjusted gross income, as computed for the preceding year and reported to the United States Department of the Treasury, Internal Revenue Service (IRS), is at or below the poverty level as determined under the United States Department of Health and Human Services poverty guidelines for this state published at 74 Fed. Reg. 4199 - 4201 (January 23, 2009) [73 FED. REG. 3971 - 3972 (JANUARY 23, 2008)], adopted by reference in this chapter; for a time extension under this subparagraph, the motorist must submit a copy of the motorist's federal income tax return filed for the year preceding the extension request; or

Register 192, Jan 2010 ENVIRONMENTAL CONSERVATION

(Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/4/95, Register 133; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am 5/17/2008, Register 186; am 11 / 4 / 09, Register 192)

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.510

18 AAC 52.990(78) is amended to read:

(78) "new vehicle" means a vehicle

(A) that is a model year 2006 [2004] or newer; and

(B) with a model year number that is no lower than the number of the current calendar year minus six [FOUR]. (Eff. 2/1/94, Register 129; am 6/24/94, Register 130; am 1/1/97, Register 140; am 1/1/98, Register 144; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 3/27/2002, Register 161; am 2/18/2006, Register 177; am 11 / 4 / 09, Register 192)

Authority: AS 46.03.010 AS 46.14.030 AS 46.14.510
AS 46.03.020