

# MEMORANDUM


**State of Alaska**  
**Department of Law**

**TO:** Hon. Larry Hartig  
Commissioner

**DATE:** March 19, 2009

Department of Environmental Conservation **FILE NO.:** 993-09-0053

**TELEPHONE NO.:** 465-3600

**FROM:** Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

**SUBJECT:** Regulations re: state air quality  
control plan (18 AAC 50.030(2);  
18 AAC 50.075(c))

Under AS 44.62.060, we have reviewed the attached regulations changes by the Department of Environmental Conservation, and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated March 10, 2009 from the Regulations Attorney. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the two pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The January 1, 2009 public notice and the March 18, 2009 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/cnc: Gary Mendivil, Regulations Contact  
Department of Environmental Conservation

Scott Sloane  
Division of Air Quality  
Department of Environmental Conservation

Tim Twomey  
Assistant Attorney General  
Environmental Section--Anchorage

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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 **February 20, 2009** [APRIL 4, 2008], are adopted by reference.

The plan includes the following documents which are also adopted by reference:

...

18 AAC 50.030(2) is amended to read:

(2) the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, amended by the provisions of Ordinance of the City and Borough of Juneau, Alaska, Serial No. **2008-28, sec. 2** [91-52];

(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 \_\_/\_\_/\_\_, Register \_\_)

**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 50.075(c) is amended to read:

(c) In the Mendenhall Valley wood smoke control area identified in 18 AAC 50.025(b),

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a person may not violate or cause a violation of a provision of the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, as amended by the provisions of the Ordinance of the City and Borough of Juneau, Alaska, Serial No. 2008-28, sec. 2 [91-52], adopted by reference in 18 AAC 50.030. (Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030